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Official communiqué of the 4226th meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters on Friday, 17 November 2000, at 10.40 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued by the Secretary-General in place of a verbatim record:

"At its 4226th meeting, held in private on 17 November 2000, the Security Council considered the item entitled 'Briefing by the Secretary-General'.

"The Security Council heard a briefing by the Secretary-General.

"The members of the Council and the Secretary-General had a constructive discussion."

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United Nations S/PV.4227

Security Council

Fifty-fifth year

Provisional

4227th meeting

Friday, 17 November 2000, 12.30 p.m.
New York

President:	Mr. van Aartsen	(Netherlands)
Members:	Argentina	Mr. Listre
	Bangladesh	Mr. Ahmed
	Canada	Mr. Heinbecker
	China	Mr. Wang Yingfan
	France	Mr. Doutriaux
	Jamaica	Miss Durrant
	Malaysia	Mr. Misran
	Mali	Mr. Ouane
	Namibia	Mrs. Ashipala-Musavyi
	Russian Federation	Mr. Granovsky
	Tunisia	Ms. Achouri
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

The situation between Eritrea and Ethiopia

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-75203 (E)

The meeting was called to order at 12.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Eritrea and Ethiopia

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I call on the Secretary-General.

The Secretary-General: It gives me great pleasure to join the Council and to provide it with an update on the United Nations Mission in Ethiopia and Eritrea (UNMEE).

This new operation holds great promise for the countries and the peoples involved, for Africa and for peacekeeping in general. We must get it right and I look forward to working closely with the Council to achieve that goal.

My representative for Ethiopia and Eritrea, Ambassador Legwaila, has now taken up his functions in the Mission area. His qualifications are known to all Council members. Mr. Legwaila met in Addis Ababa with Prime Minister Zenawi, Minister for Foreign Affairs Mesfin and other senior officials, all of whom have pledged their support. Yesterday, Ambassador Legwaila arrived in Asmara and plans to have similar contacts with the Government of Eritrea there. He has also met with the Secretary-General of the Organization of African Unity (OAU), members of the diplomatic community and various United Nations officials, who will be working closely with UNMEE. In carrying out his assignment, Ambassador Legwaila expects to travel regularly between his two offices in Asmara and Addis Ababa so as to maintain close contacts with both parties as well as with the OAU.

I have also appointed two senior officials as Deputy Special Representatives: Mr. Cheikh Tidiane Gaye and Mr. Ian Martin, who will reside full time in Addis Ababa and Asmara, respectively. The two deputies will take up their posts shortly.

The military deployment is also proceeding on schedule. The Force Commander, Major-General Patrick Cammaert of the Netherlands, has assumed his functions in the mission area. As of today, some 120 United Nations military observers have been deployed to the two countries and the first troops will begin to arrive soon. With the continued cooperation of the two parties, the deployment of UNMEE is expected to be completed by early next year, up to an authorized strength of 4,200 troops of all ranks, including up to 220 military observers. Military teams from several troop-contributing countries — Canada, Denmark, Jordan, Kenya, the Netherlands and Slovakia — have already undertaken reconnaissance missions for their deployments.

You yourself, Sir, visited the area last week and I am interested to hear your assessment. I would like to take this opportunity to thank the Government of the Netherlands for its generous support of this operation, as well as all other Governments that are making contributions.

The situation on the ground appears to have stabilized in recent weeks, but humanitarian conditions in both countries remain a source of serious concern. In Eritrea, there are more than 300,000 internally displaced persons, some accommodated in camps and others in host communities or scattered around the country. In Ethiopia, some 350,000 people have been displaced. The most critical obstacle to their safe return and the resumption of normal life is the presence of landmines and unexploded ordnance along the border. It is therefore imperative to ensure early demining and to conduct mine awareness programmes in these areas. UNMEE, for its part, has begun to conduct demining surveys. Both Governments have established national commissions for de-mining. I hope the Council will give these efforts its full and timely support.

We are continuing consultations with the Governments on the status-of-forces agreements and hope to conclude these as soon as possible. Both sides have agreed to open, on 28 November, the first land access route for the use of UNMEE's convoys and other activities. This is a most welcome development, since it is crucial that UNMEE enjoy freedom of movement and early access to the future temporary security zone. Further efforts will be pursued to establish air access routes. We are making progress in this regard and I will keep the Council informed.

The ceasefire has held since the signing of an agreement in June under the auspices of President Bouteflika of Algeria. Thus far, both parties have shown a commitment to implementing this document.

That is a real achievement. The deployment of UNMEE is designed to help maintain peace between the two countries. The military observers on the ground are developing the capacity to verify the situation and discuss problems that might arise. This should help the parties to reduce mutual mistrust.

One step that would contribute greatly in this regard would be the establishment of the military coordination commission, as called for in the Agreement on Cessation of Hostilities. I am pleased to note that both parties have agreed with UNMEE that the first session of the commission could be held later this month. We must sustain this momentum, not least to gain additional support from the international community for the development needs of both countries.

United Nations agencies are ready to do their part. Indeed, close coordination between UNMEE and the humanitarian agencies will be essential, and for that reason a system of civil-military liaison should be established as soon as possible. I trust that both parties will continue to cooperate with the mediators to the proximity talks, Algerian Minister Abdelkader Messahel and United States Special Envoy Anthony Lake, with a view to resolving the outstanding issues and achieving a comprehensive settlement. The United Nations stands ready to assist and my Special Representative is ready to take part in future talks in his capacity as observer.

Allow me to conclude by noting that the beginning of any peacekeeping operation is a very sensitive time. The steps the United Nations takes send signals about our intentions, our effectiveness and, most of all, our resolve. At the same time, the steps taken by the parties also offer indications about their willingness to cooperate and about the level of trust and political will. With our diplomats, military personnel and civilian staff taking up their positions, we have entered a period of higher stakes and intensified scrutiny of our actions. The people of Eritrea and Ethiopia, and many others beyond their borders, are counting on us to help. Together, let us rise to this challenge. I hope we will.

The President: Once again, the Secretary-General has reinforced our conviction that Africa matters, both as a continent of concern and as a land of promise. It matters to the Security Council. In the past six months, the Council has sent missions to Central Africa, Ethiopia/Eritrea and West Africa, attesting to its newfound readiness to reach out to Africa, its people and its leaders.

Africa matters to the Netherlands. A stable, prosperous Africa is good, first of all, for its own people, but it is also good for us. That is why stability, development and economic growth in Africa are a priority of our foreign policy.

That is why the Dutch Prime Minister chaired last year's debate on Africa; that is why my colleague, our Minister for Development Cooperation, will chair an open meeting on post-conflict peace-building in Guinea-Bissau at the end of this month; that is why a significant proportion of our development budget goes to Africa; that is why Ambassador van Walsum has travelled to Africa several times; that is why I visited Africa last week; and that is why I am here.

In Nigeria, I discussed with President Obasanjo the promotion of peace and security in West Africa. As we Europeans have learned in recent history, regional cooperation initiatives are crucial as a means of transforming old feuds into new prosperity. The Organization of African Unity (OAU) and the subregional organizations therefore deserve our full support.

The Netherlands has offered to support regional peacekeeping initiatives out of a peace fund which we established recently, just as we already support regional conflict prevention.

Let me turn now to the question of Ethiopia and Eritrea. The Dutch-Canadian battalion of the United Nations Mission in Ethiopia and Eritrea (UNMEE) will arrive in the region by mid-December. With that in mind, I visited Ethiopia and Eritrea last week, and I would now like to share with the Council some of my observations, which might also be of interest to other troop-contributing countries present here today.

In Ethiopia, I saw the Prime Minister, Mr. Meles Zenawi, and the Minister for Foreign Affairs, Mr. Seyoum Mesfin. In Eritrea, I held talks with the President, Mr. Isaias Afewerki, the Minister for Foreign Affairs, Mr. Ali Said Abdella, and the Minister of Defence, Mr. Sebhat Ephrem. Furthermore, my delegation and I had extensive talks with representatives of the OAU, representatives of UNMEE and Mr. Anthony Lake, and with various humanitarian organizations in Ethiopia and in Eritrea.

I came away from my talks in Ethiopia and in Eritrea with the impression that both parties have a genuine desire for peace and are eager to start reconstruction and development. In the peace process ably led by Algeria and the OAU, some progress seems to have been made on issues such as compensation and the investigation into the origins of the conflict. And I hope a breakthrough will be possible in the not-too-distant future on the question of demarcation of the border.

Yet, at the same time, the mutual distrust between Ethiopia and Eritrea remains as deep as ever, causing the peace process to move very slowly indeed. I impressed upon the representatives of both States that UNMEE can only provide a breathing space to facilitate the resolution of their differences. It cannot and should not be considered as the solution to the conflict itself. I stressed that their differences should be resolved by the conclusion without delay of a comprehensive and final peace settlement.

Nevertheless, I fear that there is a possibility that both parties may get used to the presence of UNMEE and become dependent on it in the way that the United Nations Peacekeeping Force in Cyprus now seems indispensable to Cyprus.

In order to give further impetus to the peace process, I propose the establishment of a group of friends of the peace process. Furthermore, to help start to remedy the deep distrust between the two States, I proposed to the parties an initial five confidence-building measures.

Agreement to such confidence-building measures would give the international community more confidence that the peace process is taken seriously. Those measures would also have a positive effect on the renewal of the mandate of UNMEE, which is dependent on progress in the negotiations and which would have a beneficial effect on the relations between the two States by beginning to dispel their mutual distrust.

Both States reacted positively to our proposal and said they were willing to engage in such a reinforcement of the OAU-led peace process. The package of five initial confidence-building measures I proposed consists of the following.

The first is the reciprocal and, if possible, immediate release and return of interned civilians under the auspices of the International Committee of the Red Cross (ICRC). The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War requires that internment should cease as soon as possible after the close of hostilities and that parties should endeavour to ensure the return of all internees to their last place of residence or to facilitate repatriation. As Ethiopia and Eritrea have signed a cessation-of-hostilities agreement, civilian internees must under international law be released immediately.

The second is the opening of a land and air corridor for UNMEE. It is important that the opening of road access for the benefit of UNMEE take place soon, as the Secretary-General has said. But an air corridor is just as essential for the immediate deployment of UNMEE and should be established forthwith. In the future, these corridors should also be made available for civilian traffic.

The third confidence-building measure is an exchange of maps showing mined areas. The presence of mines is proving to be a major obstacle for the population in the affected areas, and prevents the return of internally displaced persons. I therefore proposed that both countries should provide UNMEE with maps showing the exact location of mined areas.

The fourth is the simultaneous release of an initial 250 prisoners of war by both parties. Under the Third Geneva Convention relative to the Protection of Prisoners of War, all prisoners of war should be released and repatriated without delay after the cessation of hostilities. As such a situation has existed since 18 June, there is no legal basis on which to detain prisoners of war. However, I realize that the release of prisoners of war is a sensitive issue. Therefore, I suggested a phased approach. An mutual release of an initial 250 prisoners should ideally take place by the end of this year.

The fifth confidence-building measure is a mutual moratorium on arbitrary expulsions until such time as the nationality laws of Ethiopia and Eritrea have been adapted. Ethiopia has expelled many thousands of "Eritreans" and Eritrea has expelled many thousands of "Ethiopians". That was done mostly in an arbitrary manner, in disregard of the rule of law. The persons expelled do not always automatically qualify as citizens of the other State, with the result that expelled persons may become stateless. I therefore proposed that both parties agree immediately to a moratorium on

expulsions. That moratorium could end a year after advice by the ICRC has been received on how to tackle the problems of the different nationality laws.

I have asked my delegation to consult with all members of the Council on the text of a presidential statement that would reflect our discussion today; I trust that we can agree on such a statement and adopt it next week.

Mr. Cunningham (United States of America): We would like to thank and commend the Dutch presidency for calling this important open briefing. In particular, I would like to thank the Dutch Minister for Foreign Affairs, Mr. van Aartsen, for his thoughtful presentation, and also to thank the Secretary-General for his comments.

We applaud the commitment of the Netherlands to advancing peace between Ethiopia and Eritrea. Mr. van Aartsen's efforts complement the efforts of the Organization of African Unity (OAU) and our own continuing intensive assistance to Ethiopia and Eritrea with respect to concluding a final peace agreement.

We wish to congratulate the Netherlands on its substantial contribution to the United Nations Mission in Ethiopia and Eritrea (UNMEE), and on the appointment of Major-General Patrick Cammaert as UNMEE Force Commander. We should also acknowledge all the other Member States that have made or will make significant troop contributions to the Mission.

The landmark Agreement on Cessation of Hostilities, which was negotiated under the auspices of the Organization of African Unity (OAU) and signed by the Foreign Ministers of Ethiopia and Eritrea at Algiers on 18 June, is a major step towards a final, peaceful settlement of the conflict. By all indications, the Governments of Ethiopia and Eritrea have held true to their commitments and continue to respect the Agreement. We must take advantage of this opportunity to lay the foundation for a durable peace.

It is now incumbent upon all of us to encourage the parties to sustain the political will necessary to achieve a comprehensive and lasting settlement. We urge them to extend their full cooperation to UNMEE in the implementation of its mandate and to exercise every restraint. A credible United Nations presence will serve as a confidence-building measure that we hope will promote trust and bolster the peace negotiations. The United States support for UNMEE remains strong, and we are pleased that deployment is under way.

While we welcome these signs of progress, a final peace settlement must be achieved. Several outstanding issues need to be resolved. An agreement on the delimitation and demarcation of a common border is a critical component to a final peace agreement. This element will be essential if the peace between the two neighbours is to be self-sustaining and beneficial to the people of both countries.

As I think we would all agree, Blue Helmets should never be seen as substitutes for peace agreements, but as the creators of opportunity to achieve a durable peace. The growing United Nations presence in Ethiopia and Eritrea should calm tensions and create an environment for the search for solutions. While the search for improved bilateral relations may continue in perpetuity, the presence of United Nations peacekeepers should not. Likewise, the Council must work to ensure that peacekeepers provide the catalyst for progress and not an excuse for procrastination.

We welcome Foreign Minister van Aartsen's suggestions on appropriate confidence-building measures — such as the return of prisoners of war — which could be taken both to help resolve outstanding humanitarian issues and to move the parties closer toward a final accord. The Agreement on Cessation of Hostilities makes explicit the commitment of the parties to determine their common border if a quick agreement cannot otherwise be reached. Indeed, that commitment appears no fewer than five times in the Agreement on Cessation of Hostilities.

The United States remains committed to supporting the efforts of the United Nations and the OAU to achieve a permanent, lasting peace. The President's special representative, Mr. Anthony Lake, will continue to engage with Minister Messahel of Algeria and with the leaders of Ethiopia and Eritrea to bring a just and lasting settlement to this conflict.

The President: I thank the representative of the United States for his kind words addressed to me.

Sir Jeremy Greenstock (United Kingdom of Great Britain and Northern Ireland): We are very grateful to the Secretary-General and to you, Mr. President, for your introductory and really very

substantive remarks, as well as for the personal attention that you are bringing to this question.

We warmly welcome the arrival of Ambassador Legwaila and of Major-General Cammaert. We are pleased that efforts by Algeria, the United States, the Organization of African Unity (OAU) and the European Union to restart the peace talks are beginning to make some headway and that the process is generally beginning to go in the right direction.

Both sides need to allow the Agreement on Cessation of Hostilities to be implemented. Their support for that suggests that the political will for peace exists. It is that political will that will be essential for the conclusion of a comprehensive peace agreement. So we urge both sides to seize this opportunity for lasting peace and not to delay to do so.

The deployment of the United Nations Mission in Ethiopia and Eritrea (UNMEE) will help the climate for that, but, as you have said, Mr. President, it must not be seen as a substitute for concluding a comprehensive peace agreement. They must not go down that cul-de-sac. They must concentrate on the overall agreement. But with the deployment of UNMEE, it is necessary that both sides give the necessary freedom of movement to the force to enable it to do its job effectively.

The other points I was going to make have been covered, in particular by your five confidence-building measures, Mr. President. The United Kingdom supports those, so I will not go into further detail. We are also pleased that a date is being set for a meeting of the Military Coordination Commission, because contacts between the parties are also an important part of building confidence. But both countries do have to look to the long term. The conclusion of a lasting peace settlement will enable both sides to focus on development, reconstruction and reconciliation, which is what all this is about. My delegation looks forward to discussing the draft presidential statement proposed by the Netherlands. We agree that work on it should be completed next week if possible.

The President: I thank the representative of the United Kingdom for his kind words addressed to me.

Mr. Doutriaux (France) (*spoke in French*): On behalf of France, I would like to thank you, Mr. President, for the briefing you have just given us about the visit you recently made to the region. I would also like to thank the Secretary-General for his report on the situation between Ethiopia and Eritrea.

Like those who spoke previously, we believe the essential thing to be positively highlighted is the fact that both parties have been respecting the ceasefire since 18 June. We want to believe that this is a clear reflection of their irrevocable commitment to peace.

France is very pleased to see that the United Nations Mission in Ethiopia and Eritrea (UNMEE) is being effectively deployed. Its growing strength is, in our view, an effective guarantee for peace. We take this opportunity to express our gratitude for the contribution made by the Netherlands and other countries to the United Nations operation in Ethiopia and Eritrea. We also welcome the arrival of the Special Representative of the Secretary-General to the region, Mr. Legwaila, who arrived in Addis Ababa on 9 November and who is today in Asmara. We also welcome the appointment of Major-General Patrick Cammaert.

The President mentioned a number of confidence-building measures recommended to the parties. My delegation subscribes fully to those measures. We would in particular like to appeal to the parties to facilitate the repatriation of prisoners of war and injured prisoners of war. They should also release and repatriate all civilians who are being detained, of which there are between 52,000 and 72,000, according to the International Committee of the Red Cross (ICRC). It would be desirable for the parties to generally facilitate the humanitarian work of the United Nations, the ICRC and non-governmental organizations active in the field.

Generally speaking, we agree entirely with what the President has said. We must now ensure that the parties commit themselves sincerely to negotiating a comprehensive peace agreement which could resolve all the bilateral disputes. No doubt, time will be necessary in order to reach a good, solid agreement that will not be challenged later, in particular with regard to the very thorny question of delimitation of borders and the role that can be played by the United Nations Cartographic Unit in defining those borders.

In this spirit, we would be very happy to participate in the drafting of the presidential statement that may adopted early next week.

The President: I thank the representative of France for his kind words addressed to me.

Mr. Heinbecker (Canada) (*spoke in French*): First of all, I would like to congratulate you, Mr. President, for having taken up the presidency, and I wish to welcome you to the Council once again. The Netherlands has contributed greatly to the United Nations Mission in Ethiopia and Eritrea (UNMEE) and continues to do so. It is therefore fitting that you, Mr. Minister, should preside over today's debate. We appreciate your first-hand account of conditions on the ground following your recent visit to the region.

(*spoke in English*)

We are greatly encouraged that Ethiopia and Eritrea continue to honour the Agreement on Cessation of Hostilities they signed on 18 June. We once again applaud the Organization of African Unity (OAU) for its key role in making it happen, as well as the work of President Bouteflika of Algeria and Special Envoy Lake. We believe both Ethiopia and Eritrea have demonstrated a serious commitment to reaching a lasting solution to their dispute. We commend them for returning to the path of peace. We are pleased that the Security Council was able to encourage the parties along that path by promptly authorizing the United Nations Mission in Ethiopia and Eritrea (UNMEE) to help consolidate the peace that had been reached.

We, in Canada, are pleased to have been part of this endeavour from the outset. Our increased involvement, which recently received the full backing of our Parliament, reflects our commitment, not only to United Nations peacekeeping, but to promoting peace in Africa. This mission is also an important first step for the Standby High Readiness Brigade (SHIRBRIG). We have participated in SHIRBRIG also from its inception as a way of trying to realize our common objective of enhancing the United Nations capacity to act more quickly.

Canada has therefore welcomed the chance to augment our UNMEE contribution with a reinforced mechanised infantry company, which will work as part of the Netherlands SHIRBRIG battalion.

We endorse the confidence-building measures that you, Mr. President, specified in your paper. We had recently participated with our Dutch colleagues in the strategic reconnaissance of the region and it was apparent from that visit that there are numerous challenges that the United Nations will face, whether it is the threat posed by landmines — as highlighted by the Secretary-General — the urgent need to open air corridors to facilitate the movement of UNMEE, or the early conclusion of a Status of Forces Agreement. None of these challenges is insurmountable, if the parties demonstrate continued goodwill and cooperation.

For the two countries and for UNMEE, some of the most difficult work still lies ahead: consolidating peace, promoting reconciliation and healing the wounds inflicted by two years of fighting that has left so many dead and so many more displaced. Ethiopians and Eritreans alike must now move from the discourse of war to the vocabulary of peace. Words, as the Secretary-General reminded us in another context recently, can also cause harm and must not now be allowed to become new weapons, now that the guns have been silenced. We urge both sides to take advantage of the presence of UNMEE to give impetus to the OAU-sponsored proximity talks and to resolve the outstanding issues. To further improve the chances for a sustainable peace, we call on both parties to promote and protect human rights and humanitarian needs on the part of both their populations.

(*spoke in French*)

The time has come to rededicate resources previously wasted on war and apply them to the human security and reconstruction needs of the people of Ethiopia and Eritrea.

The President: I thank the representative of Canada for the kind words he addressed to me.

Mr. Ahmed (Bangladesh): Mr. President, it is a pleasure once again to see you preside over yet another important meeting of the Council. We deeply appreciate your efforts in coming to the Council and briefing us on your recent visit to Ethiopia and Eritrea. My delegation would also like to express its appreciation to the Secretary-General for personally briefing the Council on the present situation in Ethiopia and Eritrea.

The objective of a comprehensive and peace settlement remains to be achieved. We are, however, encouraged at the progress made so far in terms of deployment of United Nations military observers, as well as the peacekeepers, in a designated area. We appreciate the cooperation extended in this by the two sides. With the appointment of the Force Commander and the Special Representative of the Secretary-General, the United Nations is now poised to play an

important role in the resolution of the dispute. We congratulate both Ambassador Legwaila and Major-General Cammaert.

We extend full support to the efforts of the Special Representative of the Secretary-General and trust that, as indicated recently following his first contacts, he would continue to receive the full cooperation of the two Governments in discharging his responsibilities.

We recall with gratitude the tenacious efforts of President Bouteflika and the OAU in facilitating the cessation of hostilities. We now look forward to a successful outcome of the proximity talks in achieving a comprehensive peace.

My delegation remains concerned over the humanitarian situation and the need for demining to be pursued in earnest. In this regard we welcome the progress made and the favourable disposition of the two parties.

As regards demining, Bangladesh remains ready to contribute to this activity and my delegation is in contacts with the Department of Peacekeeping Operations on this.

There is no denying the fact that the talks have not been easy, and difficulties remain. What we all agree, we think, is to maintain the calm in the area and sincere efforts to implement the agreement on cessation of hostilities. While the efforts of the mediators are ongoing, we believe the Council should continue to keep watching the situation and do what it can to help the two parties reach agreements on the outstanding issues.

In this regard, Mr. President, we find your initiative timely and extremely useful. We commend the efforts of your delegation in putting forward some ideas for building confidence between the two parties to be formalized in the Presidential Statement. We broadly agree with those ideas and are ready to work with other members in finalizing the text in the coming days.

The President: I thank the representative of Bangladesh for the kind words he addressed to me.

Mr. Listre (Argentina) *(spoke in Spanish)*: I should like to thank the Secretary-General for his valuable information, and I would particularly like to thank you, Mr. President, for having shared with us your impressions from your recent trip to Ethiopia and Eritrea. We would also like to thank you for the valuable suggestions that you have made this morning, which we will study very carefully.

Since Argentina joined the Security Council, we have clearly put forward our substantive situation in this territorial conflict, a position we wish to reiterate at this time.

The use of force in international relations is not a valid means for the acquisition of territory under international law. As such, the occupation of a territory by force gives no better legal title to disputed territory. However long the conflict may last, the situation does not change. That title does not hold as can be seen from Article 2, paragraph 4 of the Charter prohibited use of force in international relations is an imperative in international law. Together with that States are obliged, as stipulated in Article 2, paragraphs 3 and 33, to peacefully solve disputes.

For these reasons, the withdrawal of troops to defined positions, that is to say, return to the status quo ante, does not prejudge the final status of the territory under dispute. The final legal status of that territory will result from negotiations conducted by the parties to delineate and demarcate the border. Respect for the principle of territorial integrity underlies the peaceful and lasting solution of this conflict.

We think that today we have reasons for cautious optimism on the evolution of this situation. The agreement on the cessation of hostilities signed on 18 June last, unlike what has occurred in other conflicts before the Council, is being complied with in good faith in Ethiopia and Eritrea. Those parties are cooperating with UNMEE and it has already deployed military observers in the area of the mission. Unlike other peacekeeping operations in Africa, UNMEE has enough troop contributors coming from more than 20 States Members of the United Nations. These favourable circumstances should be utilized by the parties to consolidate the peace and reach a final decision on this shared border. The presence of UNMEE will surely help to generate a climate of mutual confidence, but both Ethiopia and Eritrea must, by concrete measures — such as the release of prisoners of war or the exchange of information on mined areas — work to restore the confidence that has been lost after two years of war. Nor can there be any doubt that UNMEE, with its 4,200 troops, will play a

stabilizing role, but we also agree that it should not be considered by the parties as a replacement for the peace agreement. The parties must continue to participate flexibly and with a sense of commitment in the negotiations under way with the assistance of the United States, through that President's personal representative, Mr. Anthony Lake, and President Bouteflika of Algeria in order to reach an agreement on the final delimitation and demarcation of their shared border.

As we said in the open briefing on Wednesday, 15 November, dealing with exit strategies for peacekeeping operations, the humanitarian, institutional and economic consequences of a conflict show us that lasting peace and reconciliation require much more than a ceasefire. Conditions for sustainable development must also be established. The international community cannot and must not remain indifferent in this vital task of consolidating this peace that was so difficult to achieve between Eritrea and Ethiopia.

The President: I thank the representative of Argentina for his kind words addressed to me.

Mr. Chen Xu (China) (*interpretation from Chinese*): First, I would like to thank you, Mr President, for presiding over this meeting. We would also like to thank the Secretary-General for his report and the statement he just made. We appreciate the efforts made by the Netherlands to promote the peace process between Ethiopia and Eritrea.

Since the Agreement on Cessation of Hostilities was reached between the two countries, under the leadership of the Organization of African Unity last June, the situation along the borders has remained calm. The deployment of the United Nations Mission in Ethiopia and Eritrea (UNMEE) is proceeding smoothly. The two countries have already started proximity talks. The parties involved are doing their best to carry out mediation efforts. We express our appreciation for these positive signs.

At present the two sides are cooperating with the peace efforts being made by the United Nations and the Organization of African Unity (OAU). We hope that the international community can take this opportunity to step up its work, and on the basis of the progress already achieved, try its best to help the two countries achieve a comprehensive and lasting peace. In this regard, we support the efforts made by the OAU, Mr. Bouteflika, the President of Algeria, the Special Representative of the Secretary-General, as well as the other parties involved, to continue their mediation efforts to assist both sides in carrying out the next round of proximity talks and in trying to reach agreement as soon as possible on such core issues as demarcation and compensation so as to create the conditions necessary for final resolution. We also hope that the international community will respond positively to the consolidated inter-agency appeal to alleviate the humanitarian situation in both countries.

We appreciate the cooperation rendered by the two countries to UNMEE. We hope that UNMEE can further step up the pace of its deployment. We welcome Mr. Legwaila to the post of the Special Representative for Ethiopia and Eritrea. We hope that under his leadership, UNMEE will be able to carry out its work based on the mandate set forth in resolution 1320 (2000) and contribute to the resolution of the conflict between the two countries.

The President: I thank the representative of China for his kind words addressed to me.

Mr. Granovsky (Russian Federation) (*interpretation from Russian*): The Russian delegation is grateful to the Secretary-General and to you, Mr. Minister, for the very important and valuable information on and analysis of the situation regarding the settlement of the Ethiopia-Eritrea conflict. We share your assessment of the prospects for a settlement of this grievous inter-State conflict, that has divided two fraternal nations.

We are pleased to note the dynamic deployment in the zone of conflict of a full scale United Nations peacekeeping operation. This has been made possible by the high level of cooperation between the parties and the United Nations and the Organization of African Unity (OAU), which are promoting the negotiation process among the parties. I would like to believe that the prospect for a peaceful settlement is not too remote. The road to it goes through the successful conduct of a peacekeeping mission of the United Nations aimed at promoting the implementation of the Algiers agreement of 18 June and through the parallel conduct of negotiations to achieve a final and lasting peace.

Positive steps have already been taken in both areas. The first two stages of deployment of the United Nations peacekeeping mission have already occurred, with the cooperation of the parties. The formation of

UNMEE troops, in accordance with resolution 1320 (2000), is proceeding at full speed. Russia, like other Council members, is relying on this to help strengthen positive measures to resolve the Ethiopian-Eritrean territorial disagreements and to give the United Nations a constructive role in promoting the settlement process.

It is important that at the resumed negotiations, to be held under the auspices of the OAU with the participation of the United Nations representative, the parties state their commitment to the resolution of the conflict by peaceful means. Maintaining the de facto ceasefire regime in the area serves as an eloquent confirmation of this commitment. Under present circumstances restraint and the good will of the parties are particularly significant, prohibiting all provocative acts that may complicate the situation in the conflict zone. In accordance with the obligations they have assumed regarding security, both parties must show maximum good will in creating a climate of mutual confidence. We highly appreciate the efforts of the OAU and its former Chairman, President Bouteflika of Algeria. We believe it is important that the Security Council continue to provide full support and encouragement to these efforts to ensure further progress in the political dialogue.

Unblocking the crisis situation can only be ensured by political methods in the context of norms of international law. We have been consistently and purposefully supporting this approach in the Security Council and through contacts with all the parties involved. We share the concern about the serious humanitarian consequences of the conflict, which have led to a large-scale displacement of population and increased need for greater food aid.

A resolution of these problems requires that priority attention be given by the international donor community and the United Nations specialized agencies. The Russian Federation will provide appropriate humanitarian assistance to the populations of Ethiopia and Eritrea, who have suffered as a result of drought and military action, and to the Ethiopian refugees who are in Sudanese territory.

As a Security Council member and a sincere friend of the States of the Horn of Africa, Russia will continue to actively encourage the establishment of a lasting peace between Ethiopia and Eritrea. We will be prepared to work with interest on the draft statement to be prepared by the President of the Security Council, with the aim of adopting it next week.

The President: I thank the representative of the Russian Federation for the kind words he addressed to me.

Miss Durrant (Jamaica): Let me thank the delegation of the Netherlands for organizing this open briefing on an issue which is of critical importance to the process of peace in the Horn of Africa and to the African continent as a whole. The fact that you, Sir, have taken this opportunity to brief the Council on your own visit to Ethiopia and Eritrea and to suggest confidence-building measures to give impetus to the peace process clearly reflects the constructive approach which the Netherlands has taken to issues of international peace and security.

We also thank the Secretary-General for his report on developments between Ethiopia and Eritrea since the adoption of resolution 1312 (2000). We welcome the appointment of the Force Commander as well as that of Ambassador Legwaila Joseph Legwaila as Special Representative of the Secretary-General. We are sure that his diplomatic skill and experience will enable him to gain the trust and cooperation of both parties as he leads the United Nations Mission in Ethiopia and Eritrea.

We also wish to commend those countries which have provided troops, and we look forward to the full deployment of the Mission. We note that by next Monday, the third phase of the deployment in both countries will be fully under way, leading to the establishment and monitoring of a temporary security zone, in keeping with the Agreement on Cessation of Hostilities.

My delegation is encouraged by the fact that both countries have, over the past five months, maintained the ceasefire successfully brokered by the Organization of African Unity (OAU), and we commend the OAU and its special representative, President Bouteflika of Algeria. The involvement of the United Nations and the OAU in seeking to resolve this dispute is a good example of the relationship between the United Nations and a regional organization in cooperating in the search for peace.

We agree, however, that much remains to be done to reach a comprehensive and final settlement. This will involve the delineation and demarcation of the

borders, and in this regard we are pleased to note that proximity talks have already begun.

Jamaica continues to be extremely concerned about the dire humanitarian situation in both Eritrea and Ethiopia. The Secretary-General, in his remarks, pointed to the large numbers of displaced persons and to the presence of landmines and unexploded ordnance. We support his call to alleviate the human suffering, which has been exacerbated by the fighting, and to implement the demining programme.

In conclusion, let me again thank you, Mr. President, and the delegation of the Netherlands for addressing this issue in such a thoughtful manner. We support the inclusion in a presidential statement of the confidence-building measures suggested by you to the parties and look forward to working with your delegation in completing the statement.

The President: I thank the representative of Jamaica for her kind words addressed to the Dutch delegation.

Mrs. Ashipala-Musavyi: (Mr. President, in your opening remarks you mentioned, among other things, that stability, development and economic growth in Africa are a high priority of the foreign policy of your country. As an African, I should like to say that we can attest to that; it is an indisputable fact. We commend you highly on your initiative to visit the East African subregion to bring us firsthand information on the new developments taking place there. Your thoughtful and substantive briefing and views are particularly timely in view of the arrival and deployment of the United Nations Mission in Ethiopia and Eritrea (UNMEE) peacekeeping troops. Let me also take this opportunity to express my delegation's best wishes to the newly appointed Special Representative of the Secretary-General, Mr. Legwaila Joseph Legwaila.

We in the Southern African Development Community (SADC) are proud that one of us has been charged with helping to restore peace and stability in another region. We wish to stress the need for the continuous and comprehensive implementation of Security Council resolution 1312 (2000) of 31 July 2000, which established UNMEE, as well as of other relevant resolutions.

It is our firm hope that the commitment of the parties to the agreement on cessation of hostilities will allow the people of Ethiopia and Eritrea, who have been subjected to the horrors of war, to enjoy peace and security. Distrust, in our view, played a major part in causing this conflict. Therefore, any confidence-building measures which can be adhered to by the parties will boost implementation of resolution 1312 (2000) and enhance further the peace between these two neighbouring countries. It is in this context that we view the confidence-building measures you have put forward, Mr. President.

We know that the humanitarian situation is deplorable, even under normal circumstances, due to, among other things, the adverse climate in this region. In addition, landmines pose a serious challenge to security and to developmental activities. Therefore, demining activities in the temporary security zones and adjacent areas are crucial, and international assistance is essential. It is our hope that the task of international humanitarian workers will be facilitated so as to most effectively alleviate the hardships suffered by those in need.

We call on the two Governments to ensure the protection of all international personnel. Their presence in the area is a measure for building confidence between the two sides in support of the peace process.

Today's briefing is taking place a few days after the General Assembly's deliberations on the item on cooperation between the United Nations and the Organization of African Unity. It is in this context that we view the importance and significance of coordination and cooperation between the Security Council and the OAU.

Finally, may I take this opportunity to place on record our appreciation to you, Mr. President, and to your delegation for affording the wider membership of the United Nations an opportunity to participate in the Council's meetings. That in itself underscores the importance you attach to transparency in the Security Council's deliberations.

In conclusion, my delegation commends you, Sir, for having, during your presidency, devoted deliberations to burning African issues.

The President: I thank the representative of Namibia for the kind words she addressed to me.

Mr. Misran (Malaysia): My delegation, too, wishes to thank you, Mr. President, and the Secretary-General for the upbeat briefing and update on the situation between Eritrea and Ethiopia. We would also

like to congratulate you and your delegation most sincerely for your personal engagement, as well as for that of your Government, and for your positive contribution to peace efforts in Africa, particularly as concerns the situation between Ethiopia and Eritrea. I am confident that your laudable efforts will encourage other western Governments to do the same for Africa, particularly with respect to those conflicts that are raging in that continent.

We agree with you that Africa matters as a continent of concern and a land of promise, and, I would like to add, a land of prosperity.

The Council's continued engagement with the subject is critical as the United Nations Mission in Ethiopia and Eritrea (UNMEE) begins its final phase of deployment. In this regard, we welcome the recent appointment of Ambassador Legwaila Joseph Legwaila as the Secretary-General's Special Representative for Ethiopia and Eritrea, as well as that of Major General Patrick C. Cammaert, who is from your country, Mr. President, as the Force Commander of UNMEE. We believe that these appointments will further enhance the efforts of UNMEE to fulfil its mandated tasks, including that of verifying the cessation of hostilities.

Security Council resolution 1320 (2000), of 15 September 2000, authorized the deployment of up to 4,200 troops, including up to 220 military observers, until 15 March 2001. We believe that UNMEE will play a major role on the ground in helping to build confidence in support of the peace process. In this regard, we hope that all preparations are in their final stages before the imminent arrival of thousands of troops in the operations area. We trust that the parties will give the Mission their full cooperation to ensure UNMEE's access, safety and freedom of movement, as called for in resolution 1320 (2000). It will be equally important for the parties to ensure the safe and unhindered access of humanitarian personnel to the population in need, given the serious humanitarian situation.

Before concluding, my delegation wishes to express its satisfaction with the fact that the ceasefire is holding. This demonstrates the parties' resolve to abide by the Agreement on Cessation of Hostilities. While this is particularly welcome, we wish to reiterate that the agreement links the termination of the United Nations peacekeeping mission to the completion of the process of delimitation and demarcation of the common border. It is imperative, therefore, that the parties continue negotiations, under the auspices of the Organization of African Unity (OAU), and conclude, without delay, a comprehensive and final settlement to the conflict.

The President: I thank the representative of Malaysia for his kind words addressed to me.

Mr. Kassé (Mali) (*spoke in French*): I should like to say how pleased my delegation is to see you, Sir, presiding over this public meeting on Ethiopia and Eritrea, and to thank you for having taken the initiative to hold the meeting. I also thank you for your lucid analysis of the situation, following your recent visit to the region. I should also like, through you, to thank Ambassador Peter van Walsum, for the outstanding way in which he has been presiding over our Council this month. We also wish to thank the entire team of the Netherlands in the Security Council.

The Secretary-General, Mr. Kofi Annan, deserves tribute and congratulations for his steadfast support for and dedication to the peaceful settlement of conflicts in Africa, in particular that between Ethiopia and Eritrea, and we thank him for his very instructive statement today.

The signing of the Agreement on Cessation of Hostilities between the Government of Ethiopia and the Government of Eritrea represents a very important achievement and a decisive step towards the peaceful resolution of a tragic conflict that should never have taken place between the two countries. That Agreement, signed on 18 June 2000 and reached through the intensive efforts of the Organization of African Unity (OAU) and President Bouteflika, made it possible for the United Nations Mission in Ethiopia and Eritrea (UNMEE) to be deployed rapidly and expanded.

We welcome the appointment of the Force Commander, Major General Patrick Cammaert – an appointment that does honour to your country, Mr. President. We also welcome the positive role being played by the Special Representative of the Secretary-General, Ambassador Legwaila, who is working with the leaders of the two parties and with the OAU. We hope that these contacts will help to dispel the distrust that exists between the former belligerents and bring them to the negotiating table.

UNMEE, the most recent mission to our continent but one of a new generation of missions, remains a decisive element for guaranteeing a permanent ceasefire and creating the conditions necessary for a lasting settlement. Its deployment cannot be a pretext for political and diplomatic paralysis. In this respect, my delegation endorses the appeal of the Secretary-General to Ethiopia and Eritrea to continue to demonstrate the political will that they showed in signing the Agreement on Cessation of Hostilities. We believe that such political will will be judged by the progress made in the proximity talks. We also invite the parties to continue their efforts to achieve a negotiated and lasting peace. We believe that the demarcation and delimitation of the border as soon as possible will be an important step in that direction.

As we said after the signing of the Agreement on Cessation of Hostilities, and as we repeated after the deployment of UNMEE, the United Nations and the OAU must continue to cooperate closely at every level. However, in order to restore peace, the OAU needs assistance and support if it is to play its proper role in preventive diplomacy and the rebuilding and consolidation of peace.

The peoples of Ethiopia and Eritrea were sorely tried by the conflict between the two countries. The drought has exacerbated the situation. My delegation is particularly troubled by the large number of internally displaced persons and refugees in the region. It will be important for UNMEE to establish and maintain close cooperation with the humanitarian workers in the region. We welcome the clear progress made with the signing of the tripartite agreement. However, we urge the international community to provide generous financial aid, bilaterally or through the United Nations teams in the two countries, in order to provide relief to the population.

My delegation remains concerned about the presence of landmines and other explosive devices. This situation is still an obstacle to humanitarian activities, reconstruction and, in particular, the deployment of UNMEE. We call upon the international community to give technical and financial assistance to the two countries, which in turn should cooperate so that demining activities can be carried out.

In conclusion, Mali calls upon the two parties to continue to show their commitment to peace, development and prosperity, for the sake not only of the two peoples concerned, but for the region and Africa as a whole.

My delegation is at your disposal, Mr. President, for the finalization of the presidential statement.

The President: I thank the representative of Mali for his kind words to Ambassador van Walsum and to me.

Mr. Krokhmal (Ukraine): It was with great interest that my delegation listened to your observations, Mr. President, on the situation between Ethiopia and Eritrea, as well as to the valuable suggestion that you made this morning. I should also like to pay tribute to you for the contribution of the Netherlands to United Nations efforts to find a solution to that prolonged conflict.

We are also grateful to the Secretary-General for his informative briefing, which covered recent important developments in the situation and informed us about certain progress achieved in returning to normality in the region.

We support the active efforts of the Organization of African Unity (OAU). My delegation welcomes the resumption last month, under the auspices of the OAU, of the proximity talks between Ethiopia and Eritrea, after the four-month break. It is encouraging that the parties are focusing on peace plan implementation issues. In this context, we welcome the commitments of the Governments of Ethiopia and Eritrea to the provisions of the Agreement on Cessation of Hostilities, which has been clearly demonstrated as both Governments cooperate closely with the United Nations liaison offices.

United Nations military observers have been deployed so far to the 11 operational team sites of the Mission. It is important to speed up the work of the liaison officers, as well as to establish points of contact and interaction with the military headquarters of Ethiopia and Eritrea at the front. That will facilitate, we believe, the development of a timetable for further deployment of military observers. We also believe that it will be useful to receive from the United Nations Secretariat, on a regular basis, a briefing and information on phase three of the mission's deployment and the preparation of the status-of-forces agreement to be concluded between the United Nations and Ethiopia and Eritrea.

We are pleased to note the important activities of the Special Representative of the Secretary-General, Ambassador Legwaila, whose diplomatic skills and experience are very well known to all of us. The report on the meeting he had in Addis Ababa three days ago gives us good reason for optimism. However, we remain concerned about the humanitarian situation in both Ethiopia and Eritrea, in particular in terms of food and medicine supplies. A prompt and effective response of the international community to the request for the provision of humanitarian aid to both countries is of particular importance. In this context, we call on both Governments to continue to exercise every restraint in order to prevent deterioration of the humanitarian and human rights situation.

The President: I would like to thank all the members of the Security Council for their contributions. As a result of this debate, I would like to underscore the following points.

The conflict between the parties needs to be resolved through a comprehensive peace agreement. The United Nations Mission in Ethiopia and Eritrea (UNMEE) can fulfil a useful role in creating the conditions necessary to reach an arrangement, but its presence is not an alternative to such a peace arrangement. Several delegations expressed support for our suggestion that confidence-building measures should be adopted by both parties. I repeat my suggestion that a group of friends be established in support of the peace process. The full deployment of UNMEE must take place as soon as possible. I can inform the Council that the Netherlands will start its strategic lift next week and that our deployment should be complete by mid-December.

The Security Council fully supports the work of the Organization of African Unity, in particular Algeria's efforts and those of concerned member States in order to reach a comprehensive peace arrangement. Finally, the Council stands ready to support an eventual peace arrangement.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 1.45 p.m.

United Nations S/PV.4228

Security Council

Distr.: General
20 November 2000

Original: English

Official communiqué of the 4228th meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters, New York, on Monday, 20 November 2000, at 3.30 p.m.

At its 4228th meeting, held in private on 20 November 2000, the Security Council considered the item entitled "The situation in East Timor".

In accordance with the understanding reached in the Council's prior consultations, representatives of the Troop-Contributing countries to the United Nations Transitional Administration in East Timor (UNTAET) were invited to be present at the meeting.

The Security Council heard a briefing by His Excellency Mr. Martin Andjaba, Permanent Representative of Namibia to the United Nations, Head of the Security Council Mission to East Timor and Indonesia, who introduced the mission's report (S/2000/1105).

The members of the Council had a preliminary discussion of the report.

00-75569 (E) 201100

United Nations S/PV.4229

Security Council

Fifty-fifth year

Provisional

4229th meeting

Tuesday, 21 November 2000, 10.30 a.m.

New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Heinbecker
	China	Mr. Wang Yingfan
	France	Mr. Levitte
	Jamaica	Miss Durrant
	Malaysia	Mr. Mohammad Kamal
	Mali	Mr. Ouane
	Namibia	Mrs. Ashipala-Musavyi
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Ben Youssef
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-75591 (E)

The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Judge Claude Jorda, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

It is so decided.

I welcome Judge Jorda and invite him to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Judge Navanethem Pillay, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994.

It is so decided.

I welcome Judge Pillay and invite her to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

It is so decided.

I welcome Ms. Del Ponte and invite her to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations. At this meeting the Security Council will hear briefings by the Presidents and Prosecutor of the International Tribunals for the Former Yugoslavia and Rwanda.

I give the floor to Judge Jorda, President of the International Tribunal for the Former Yugoslavia, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, in order to brief the Council.

Judge Jorda *(spoke in French)*: It is a great honour for me to be able to address the Council on the state of the Tribunal for the second time in less than five months. I wish to express my profound gratitude for all the interest the Council has shown in the work we are doing in The Hague.

In my view, the presence at my side of Judge Pillay, President of the International Criminal Tribunal for Rwanda, and Prosecutor Del Ponte is symbolic and of special importance. For the first time ever, we, the representatives of the International Criminal Tribunals established more than 50 years after Nuremberg, stand all three together before the Council to report on our work. Our respective presentations should provide the Council with an overview of the two Tribunals' judicial

activities, which, as I have said before, cannot be divorced from the penal policy of the Prosecutor.

Yesterday I presented the annual report of the Tribunal to all the members of the General Assembly. Today I would like to emphasize two points from the report that I think are particularly relevant at this time. First of all, if we wish to fulfil our mission within a short time and ensure that the reform undertaken last June with the Council's assistance and under its authority comes to full fruition, we must take other internal initiatives as well. Next, as my predecessors have done before the Council, I will also underscore the importance of the cooperation of all States for the fulfilment of our mandate.

First I will talk about the reforms of the operations and structures of the Tribunal. Last June, my colleagues and I presented to the Council a draft reform of the operations and structures of the Tribunal. We held the view, as we still do, that if no changes were made, we could not hope to fulfil our mandate before the year 2016, not including the time taken for appeals — that is, over 15 years from now. We draw the Council's attention to the fact that this state of affairs could well compromise the accomplishment of our mission, which, need I recall, is a temporary one and must make it possible to have a lasting return to peace in the Balkans. We also highlighted the risk that the fundamental right of the accused to be tried without undue delay might be jeopardized, as has already been borne out by the length of time the accused currently spend in preventive detention. Lastly, we stressed, and continue to stress, the financial cost to the United Nations of such a situation; and, more fundamentally — I know the Council is particularly sensitive to this — we noted the dangers that a situation of the kind I have described — that is, without any change — represents to the credibility of international justice, which it is extremely necessary to ensure at this juncture, when States are due to ratify the treaty instituting the future International Criminal Court.

In order to remedy this situation — that is to say, to fulfil our mandate by the year 2007 instead of 2016, almost 10 years earlier — we proposed a measure, a set of solutions, that is both pragmatic and flexible, since it can then be adapted to the future needs of the Tribunal, especially to those dictated by arrests and indictments to come. This solution, in our view, also has the advantage of being less costly in the long term. As the Council knows, it consists of creating a reserve pool of *ad litem* judges from all of the Member States, who would be called upon to rule on specific cases when so required. Furthermore, along with this measure, we also suggested that the pre-trial phase be accelerated, more responsibility for which would lie with qualified jurists — under the authority of judges, of course — thus enabling the judges to devote all their time to actually trying the cases. We are already striving to implement this second measure.

During my statement to the Council last June, I made clear my wish that the reforms would be undertaken rapidly and suggested that the Tribunal cooperate closely to this end. I am particularly grateful to the Council for having set up so swiftly a working group to examine our proposals and for having agreed to receive the representatives of the Tribunal. The group met several times, and it already appears that a consensus is possible. It goes without saying that should this reform be fully implemented by 2001, our work would then be greatly facilitated. Clearly I am asking the Council to give priority to this.

Nonetheless, as I underscored yesterday before the General Assembly, my colleagues and I are aware that these solutions will not be fully effective unless other, this time internal, reforms are carried out as well, reforms that, I assure the Council, will not require the Council to mobilize any additional resources. Thus, we are moving in the following new directions. First, we must amend the rules for administering and presenting evidence so as to make them more effective thus addressing one of the main causes of delays. Then we must bolster the judge's power of control over the conduct of the proceedings in order to expedite the trials, of course with due regard for the demands of fairness, and above all, mindful of the need to avoid all delaying tactics, no matter their source.

Finally, in a few weeks, I will also propose to my colleagues, the Registrar and the Prosecutor, new measures enabling the organs of the Tribunal — that is, the Chambers, the President, the Prosecutor and the Registrar — to jointly determine their longer-term judicial priorities and to cooperate more closely in fulfilling them within as short a time as possible.

Why? Because I am convinced that all these reforms — of the necessity for which I know the Council is equally aware — depend for their full effect on the efforts of every organ of the Tribunal, and

especially the Registry and Administration, to implement them in a coordinated manner, ever mindful of the need to manage our resources better, ultimately in the sole interest of justice.

I now come to my second point, which is concerned with a recurring theme that my predecessors have often and even regularly addressed in this Chamber: the cooperation of States in the arrest of the accused and the gathering of evidence.

The Tribunal's situation has greatly improved as regards arrests and the transfer of evidence. Of the 65 accused, 38 are now in detention in The Hague; 13 were apprehended over the course of this past year. A significant quantity of documents was also handed over to the Tribunal. This progress is primarily the result of the enhanced cooperation of all the Member States, for which I am grateful. Through the international organizations, and more specifically the Stabilization Force and the Kosovo Force, they have been cooperating more closely in the full accomplishment of our mandate. It also stems from the increased cooperation of the Republic of Bosnia and Herzegovina and, more recently, the Republic of Croatia. As the Council knows, the Tribunal does not have a police force to enforce its own decisions and must be able to rely on the unwavering support of the States of the international community.

We all believe that the political upheavals which the Balkans have recently witnessed are, in this respect, cause for new hope. The advent of democratic forces in Croatia demonstrates the resolve of the Croatian people to put the difficult times they have endured behind them. Similarly, the return of democracy to the Federal Republic of Yugoslavia and the State's reintegration into the community of nations attest to the Yugoslav people's determination to break with the recent years of war.

Let there be no doubt that these are major events from which we all take satisfaction and which now allow us to hope that the Balkan States will fully respect their international commitments and cooperate more closely in the accomplishment of our mission.

Are all our difficulties behind us? I do not believe so. Let us not forget, however — and this is the message I wish to convey in this great Chamber — that the highest-ranking political and military officials remain at large. It is precisely and above all these accused high-ranking military and political leaders who must be tried by an International Tribunal that is the guarantor of the peace and security of mankind, for it is clearly and principally they who are seriously endangering the international public order of which we are the guardians.

I therefore appeal to the Security Council to use all its influence over Member States, and more especially the successor States of the former Yugoslavia, to persuade them to arrest and bring before the Tribunal the accused — all the accused — in their territory. It is imperative to act rapidly since, as we know and have seen, nationalism in its most virulent form is still alive and could yet compromise the demanding and sometimes painful exercise of justice, without which there can be no deep-rooted and lasting peace in the Balkans. This sentiment was broadly expressed in the General Assembly Hall yesterday.

Like my predecessors before me, I will not hesitate to inform the Council of all serious failures of any State concerned to meet the obligation to cooperate with the Tribunal, nor, of course, will I neglect to notify it of all the measures that States implement in good faith to remedy such failure to cooperate.

I am extremely grateful for the Council's tireless support for our work and thank members warmly for their attention.

The President: I give the floor to Judge Pillay, President of the International Criminal Tribunal for Rwanda, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, in order to brief the Council.

Ms. Pillay: On behalf of the judges of the International Criminal Tribunal for Rwanda (ICTR), I thank you very kindly, Sir, for your invitation. This is an historic occasion for the ICTR. Despite our statutory obligation to come and report to the Council, this is actually the first time that we are doing so. If that was an oversight on our part, we apologize for it and we do appreciate this invitation.

The point I made in my statement to the General Assembly yesterday was that, all in all, we have had a dynamic past year at the ICTR and that the jurisprudence that is emerging from the Tribunal is making an important contribution towards realizing the vision of respect for the international rule of law.

As to what we achieved in the first year of this, our second mandate, in this one year we delivered three

judgements. One was on a guilty plea of the Belgian national Georges Ruggiu; the others were convictions for genocide and sentences of life imprisonment. One trial is ongoing and complete, and that judgement is in the process of deliberation.

For the period under review, the three Trial Chambers were occupied in deliberating and ruling on 223 pre-trial motions in various cases, many of which are multi-accused and multi-trials involving 33 indicted persons. I mention this figure in order to clarify what we perceive as questions addressed to us on why we have not made sufficient use of the courtrooms. Now, as members know, under article 20 of the Statute, the rights of the accused must be respected and we must hear and respond to each of these motions. The motions relate to amendments and objections to the indictment, the joinder or severance of trials and witness protection measures — in other words, all the pre-trial procedures that enable us to be ready for the actual trials. We have also held initial appearances of new indictees as well as of the cases of accused whose indictments have been amended.

In this period, the Appeals Chamber has significantly alleviated the outstanding role of appeals. They have in fact delivered decisions on 24 of 34 interlocutory appeals. I mention this factor because, along with the outstanding motions, the interlocutory appeals held up or stayed trial proceedings.

The Appeals Chamber review decision of 31 March 2000 in the case of the Prosecutor versus John Bosco Barayagwiza underscored many of the challenges that the trial courts face, including the expeditious cooperation of Member States in the extradition of indicated suspects to the ICTR. In that particular case, what concerned the court was that delays in cooperation on the part of a Member State may have contributed to a violation of the accused's rights.

Other challenges are the appointment of counsel of choice for indigent accused. I am pleased to point out that the opinion of the Appeals Chamber is that indigent accused are not entitled, as of right, to counsel of choice. I mention that fact because there have been questions raised on the large percentage of the budget that goes towards the costs of defence of accused persons. Other factors are the impact of the discovery of additional facts which have become known after the indictments are confirmed.

These fundamental issues, among others, were addressed by the Appeals Chamber and they not only provide authority and guidelines for the Trial Chambers, but form the basis for groundbreaking new law that will influence the development of international jurisprudence. But for the immediate purposes of the Trial Chambers, the impact is that we are now able to proceed with trials. For instance, we could not proceed with the trial where there was an interlocutory appeal pending on whether we had rightly ordered a joint trial of multiple accused.

So this first year of our second mandate can be characterized as the period of intensive judicial effort on the part of the Trial Chambers and the Appeals Chambers to clear the backlog of pre-trial motions and interlocutory appeals that were carried over from the previous mandate. The consequence of this pre-trial work is that we can now plan for the year 2001.

With regard to the utilization of courtrooms, the Trial Chambers, as I have stated, were seized with the large number of pre-trial motions. In the past, pre-trial motions were heard in the courtroom and that involved a full complement of court staff being in attendance and counsel for the prosecution and defence participating in the proceedings.

The judges have amended the rules of procedure and evidence to allow for these motions to be considered solely on the briefs submitted by the parties instead of having a hearing in open court.

As a result of this amended rule, pre-trial motions may be dispensed with more expeditiously since there is no longer a need to schedule hearings in these matters around the availability of defence counsel and, with regard to our Tribunal, the factor that does impact our work is that almost all the defence counsel have their offices far away from the Tribunal and have to be flown in at the expense of the Tribunal.

Most of these motions have been filed since the new amendment and they have been decided on brief and that then reduced the number of days that we needed to use the courtrooms.

The use of the courtrooms was further reduced when court dates that had been scheduled by the judges were vacated due to trials not commencing as originally scheduled. This resulted from the fact that court documents had not been translated on time and

complete disclosure of trial materials had not been made to the defence.

And here, let me quote as an example the case that is labelled "The media case" involving three accused. This trial was originally scheduled by my Chamber for 29 May 2000, was moved to 5 June 2000, rescheduled to 18 September and, subsequently, the hearing began on 23 October. The reason is the difficulties over the Registry providing the required translation services and court management support services. That is an illustration of administrative procedures over which the judges do not have control, but which end up delaying our procedures and in some instances we could not begin trials because of pending interlocutory appeals.

Thus, during the past year, the nine trial and the five appeals judges have worked closely together to envision solutions to the apparent delays in the commencement of trials. We were able to convene three plenary sessions with the attendance of all 14 judges. These were held in Arusha and we discussed judicial and policy issues concerning the ICTR and revised the rules in order to expedite procedures and, for the first time since our existence, the two Tribunals were able to meet at a meeting in the United Kingdom, courtesy of the British Government and of the Office of Legal Affairs, which took the initiative to organize the seminar.

All in all I would say it has been a dynamic year for us and the positive consequence of all the judicial, administrative and prosecutorial endeavours during the past year has been to prepare the ground for uninterrupted trials.

Apart from the three trials that began this year and will continue next year, we have scheduled new trials into the first six months of next year — trials that involve the trials of at least 13 persons involved in the Government cases, the military cases and areas such as Butare.

We would therefore like to assure the Council that the ICTR is determined to do its utmost to complete the cases of the 35 persons awaiting trial within the period of the mandate and we see this as a reasonable possibility. We cannot at this stage, of course, predict the number of new suspects that may be indicted. This, I think, is an area that will be addressed by the Prosecutor.

We support the request made by the Appeals Chamber for the addition of two judges to meet the extra workload and, at the plenary meeting of 18 February 2000,the judges unanimously supported the recommendations of the Expert Group for the enlargement of the Appeals Chamber serving both Tribunals. It was also agreed that the two additional judges shall be drawn from the pool of existing ICTR judges, who will then serve in The Hague as members of both Appeals Chambers.

Many of the logistical and administrative difficulties that were highlighted in the past as causes of delay in the progress of trials have been, and are being, addressed by the judges and the Registrar. However, the judges continue to stress that the focal point for the administration of services and resources should be the judicial functions of the Tribunal.

We have now reached a critical stage where trials will begin next year and greater resources and personnel are required for the preparation of judgements. In this regard, we note with appreciation the efforts made by the Secretary-General in respect of the cooperation and assistance he has provided us. In the main, he has sent us a court consultant who has projected our requisite needs for more expeditious functioning.

We have also addressed the Council with regard to compensation in instances of the miscarriage of justice, as the ICTR also wishes to be seen to be complying with international obligations in this regard. With regard to compensation for victims of atrocities in Rwanda, the judges empathize with their plight, but are of the view that this is not a matter that falls within the mandate of the ICTR.

Questions have also been raised with us with regard to the possibility of holding trials inside Rwanda and the view of the judges is that we operate under the Statute, which determines that the seat of the Tribunal is in Arusha, Tanzania. We do have the power, when the need arises, to hold sessions elsewhere, but this would be a decision of the Trial Chamber. Mainly it is a decision of the Council to consider whether the Statute needs to be amended with regard to moving the seat of the Tribunal. Once again, the judges empathize with the points of view of Rwandans who wish to see justice being performed visibly in their presence.

I wish finally to express our deep appreciation to Member States, to the Government of Rwanda and to

the Government of Tanzania, for their cooperation, as well as to Member States that have transferred into our custody the 45 persons, most of whom are members of the former interim government of Rwanda.

The picture of our progress and our trials is different from that painted by my colleague Judge Jorda. We owe this mainly to the fact that we have had the cooperation of States.

The President: I thank Judge Pillay for her briefing.

I give the floor to Ms. Carla Del Ponte, Prosecutor for the International Criminal Tribunal for the Former Yugoslavia and for the International Criminal Tribunal for Rwanda, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, in order to brief the Council.

Ms. Del Ponte: Once again it is my honour to appear before the Council to give a briefing on the work of the Office of the Prosecutor for Rwanda and for the former Yugoslavia. Since I last addressed the Council, important developments have taken place in both Tribunals.

In recent months I have spent a considerable amount of time in Arusha and in Kigali on the business of the International Criminal Tribunal for Rwanda (ICTR). In that Tribunal we have just passed through a difficult period of reorganizing the caseload and getting cases ready for trial. A great deal of legal and organizational work was done behind the scenes in the pre-trial stages of the biggest cases. During that time we did not see many prosecutions under way in the courtrooms, and that is always a source of concern to a prosecutor, particularly when accused persons are in custody. However, I am pleased to be able to report that some of those big cases have now started, and that others are scheduled in the court timetable to begin very soon, as the President of the Tribunal has just informed the Council.

At present, 45 accused are in custody. Three trials, involving seven accused, are in progress. A further eight cases, involving 22 accused, are at the pre-trial stage and will gradually become ready to begin between now and June next year. Among them are the two "government" cases — involving senior ministers — and the "military" case — involving high-ranking army figures. In all those cases, we were not able to begin the trials until pre-trial legal motions had been decided. Another of our biggest cases, the "media" case, started last month. That is the prosecution in which evidence is being heard about the alleged central role played by the media in the Rwandan genocide. That case is recognized as breaking new legal ground and is attracting a great deal of interest.

In addition to the work of trials, the Tribunal has heard and decided a number of important appeals. Two of those were heard during my last trip to Arusha, but the Council will perhaps be aware that, shortly before that, former Prime Minister Jean Kambanda was unsuccessful in his appeal against his conviction and his sentence of life imprisonment. It is encouraging for me as Prosecutor to see that the convictions we were able to obtain before the Trial Chambers are able to withstand the scrutiny of Appeal Court judges. For my Office, this means that the job of prosecuting these enormous crimes can be done, and is being done, to the necessary high criminal standard.

The Rwanda Tribunal is therefore entering a very intensive period in its mandate. Coming months will see the most senior figures face justice. Those trials will be the most serious prosecutions the Tribunal will ever have to deal with. They are the reason the Tribunal was created, and we have been waiting for these cases to come to court for many months. Now at last we will see in public the results of all the preparation that has been done.

In the ICTR, other cases will also be in the pipeline. Our investigations continue, and I hope to be signing five significant new indictments in coming weeks. I believe there are good prospects for several new arrests before the end of the year. Thereafter, I will make it a priority to draw up a longer-term plan for our investigations, and I will present that to the President of the Tribunal as a basis for the kind of strategic forward planning we wish with regard to the Rwanda Tribunal's mandate. I agree that now is the right time to undertake such an exercise, and I believe that we have now reached a sufficiently advanced stage in our information gathering to make that kind of exercise worthwhile.

In short, we can expect considerable progress to be made in the Rwanda Tribunal in the coming months. But I would like to see progress made outside the courtrooms and in other areas. We must make our work

more relevant to the people of Rwanda. A new information centre has been opened in Kigali, but I would like to go further. I will ask Trial Chambers to hold hearings in Rwanda instead of in Arusha, so that the people of Rwanda can see at first hand the contribution being made by the international justice system to the restoration and maintenance of peace and security. Holding trial hearings in Rwanda itself will also greatly improve access to the court for witnesses and victims. The situation in Rwanda has greatly improved since 1994, and our relations with the Government have now reached a stage where proper guarantees can be given and relied upon for the holding of ICTR trials in Rwanda itself. Indeed, it might even be possible to contemplate moving the entire Tribunal to Kigali. Nothing would more powerfully demonstrate the international community's commitment to justice.

Nor should we forget the role of victims in the justice process. The voices of survivors and of the relatives of those killed are not sufficiently heard. Victims have almost no rights with regard to participating in the trial process, despite the widespread acceptance nowadays that victims should be allowed to do so. And those remarks apply equally to the Yugoslav Tribunal, where the position of victims is no better, and where the accused have also amassed personal fortunes at the expense of their country and its citizens. I believe that the judges share my views in principle but do not favour giving the Tribunal itself the task of compensating victims, preferring to create a claims commission or its equivalent. It is regrettable that the Tribunal's statute makes no provision for victim participation during trials, and makes only minimal provision for compensation and restitution to people whose lives have been destroyed.

And yet, my Office is having considerable success in tracing and freezing large amounts of money in the personal accounts of the accused, money that could very properly be applied by the courts to the compensation of citizens who deserve it. We should therefore give victims the right to express themselves, and should allow their voices to be heard during the proceedings. In the event of a conviction, that would then create a legal basis for the judges to decide upon the confiscation of monies sequestrated from the accused. The money might also go towards defraying the costs of the prosecution. I would therefore respectfully suggest to the Council that the present system falls short of delivering justice to the peoples of Rwanda and of the former Yugoslavia, and I would invite members to give serious and urgent consideration to any change that would remove this lacuna in our process.

Let me now turn to the International Criminal Tribunal for the Former Yugoslavia (ICTY). I would like first to give the Council an updated account of our work in Kosovo. As the Council will recall, just as soon as our teams were able to gain access to Kosovo, we embarked upon an ambitious project of exhuming and forensically examining mass graves throughout Kosovo. In 1999 we recovered 2,108 bodies from 195 locations. That was as much as could be achieved last year. This year, I was eager to complete the task before evidence deteriorated or was lost. Again working with the assistance of professionals provided to my Office by United Nations Member States and by Switzerland, our teams assessed a further 325 sites, exhumed 1,577 bodies and found incomplete remains in a further 258 instances. Pathologists conducted 1,807 autopsies on victims. As a result, we have finished our exhumation programme and can now build up a complete picture of the extent and pattern of crimes.

My Office has not received all the reports from the various forensic teams. Our provisional total for the two years is almost 4,000 bodies, or parts of bodies, exhumed and examined. Of course, it will never be possible to provide an accurate figure for the number of people killed, because of deliberate attempts to burn the bodies or conceal them in other ways.

I might add that we also conducted exhumations in Croatia and in Bosnia and Herzegovina at eight sites, from which 491 bodies were recovered, as well as many parts of human bodies. A total of 619 autopsies were performed. That figure includes not only autopsies on bodies from ICTY exhumations, but also some autopsies which we performed on behalf of the Bosnian Commission on missing persons on bodies exhumed by the Bosnian authorities. We intend to continue with this exhumation work in Croatia and Bosnia next year.

Before I leave the subject of Kosovo, I would merely add that my Office has received a number of passionate pleas to investigate allegations of continuing "ethnic cleansing" against the remaining Serb and Roma populations. This is unacceptable, and sows the seeds of future revenge and lasting instability in the region. For the Tribunal's jurisdiction to

encompass crimes against humanity committed in Kosovo after the deployment of the Kosovo Force (KFOR), article 5 of the Tribunal's Statute should be modified, and the reference and requirement for there to be an armed conflict should be omitted, which would make the Statute compatible with that of the Rwanda Tribunal.

The ICTY's forced inaction on what has been happening in Kosovo since June 1999 undermines the Tribunal's historical credibility. We must ensure that the Tribunal's unique chance to bring justice to the population of the former Yugoslavia does not pass into history as having been flawed and biased in favour of one ethnic group over another. Besides, if we obtain this morally justified and necessary extension of our mandate, the Tribunal may become a deterrent factor against the ongoing "ethnic cleansing" campaign in Kosovo. The Council will be aware that, as the Tribunal's Statute is presently drafted, the requirement that crimes be linked to an armed conflict effectively precludes my Office from dealing with ongoing crimes in Kosovo. They lie outside the Tribunal's jurisdiction. I therefore formally request the Council to extend the Tribunal's jurisdiction in this respect.

This year I have also spent considerable time in discussions with the Croatian authorities about the level of cooperation being given to the ICTY. There has indeed been an improvement in relations in comparison with the previous policy of obstruction and delay adopted by the former Government. When I last addressed the Council I made that clear, but I also expressed the reservation that only time would tell whether Croatia would deliver on all its promises. I would like to be able to say that all problems have been completely removed, but I cannot. Where Croatia perceives cooperation to be against its political or narrow security interests, a real difficulty still exists.

One long-standing problem — the provision of Croatian material for use as evidence in the Kordic trial — remains unresolved, and time is fast running out for full compliance with the Court orders that are still outstanding in that case. And in relation to the 1995 Croatian campaign against Serbs in Croatia, known as Operation Storm, we still face a stubborn refusal to allow access to witnesses and documents that are essential for the completion of our investigations. Our work has been seriously delayed as a result.

In addition, there have recently been some very worrying signs that Croatia's cooperation is starting to take on some very negative aspects, which is demonstrated by the Government's leaking details of my requests to the media, with a negative media campaign against the Tribunal accompanying such leaks. This is a very disappointing development, and one that cannot be allowed to continue. Accordingly, it gives me no pleasure to have to say that I was right to reserve judgement earlier, and that my initial reservation was well founded. It is very sad that the improvement in cooperation in almost all other areas can be completely undermined by obstruction on a few key issues. I call on Croatia to overcome this remaining problem and return to the path of full cooperation with the Tribunal, and I invite the Council to intervene to ensure that Croatia finally cooperates fully with the Tribunal.

On a different topic, I am concerned about the rate at which indicted persons are being arrested. I have noticed that far fewer arrests have taken place recently. The last detention by Stabilization Force (SFOR) troops was of Dusko Sikirica, in June this year. But at the beginning of this year detentions had been occurring at a rate of approximately one a month. There may be no single explanation for the reduction in the number of arrests, but nevertheless it is disturbing to see that there have been no arrests in the second half of the year. Over recent months I have also been recommending the formation of a special police task force that would have jurisdiction over all of Bosnia and Herzegovina and the responsibility for apprehending indicted fugitives. Unfortunately, my suggested initiative has not yet been adopted.

It also appears that we can take little comfort from the results of the recent elections in Bosnia, after which we cannot expect any improvement in the attitude of some of the local authorities towards cooperation with the Tribunal. I would go even further and observe that the outcome of these elections is a direct consequence of the lack of resolve shown by the international community with respect to apprehensions. Allowing the main culprits of the Bosnian war to continue to enjoy freedom sent a wrong message both to the people and the politicians of Bosnia — namely, that criminal nationalism and its promoters are, and shall remain, beyond the reach of justice, and that the threatening words of the international communities are just that: words. Let us put an end to this dangerous

situation, for the sake of comprehensive justice, lasting peace and reconciliation. Once again, I urge the international forces in Bosnia to be robust and positive in their approach to the issue of apprehending all remaining indicted fugitives.

In the meantime, however, there is no shortage of trial work in the ICTY. I have many cases before the Trial Chambers and the Appeals Chamber, where significant appeals decisions are expected shortly, establishing, among other things, further jurisprudence on important issues of command responsibility and the law of genocide. In the Trial Chambers four prosecutions are now nearing completion. They include the trial of General Krstic, for crimes in Srebrenica, and Dario Kordic, who is accused of being responsible, as a senior politician, for crimes in the Lasva river valley in central Bosnia. One new trial, dealing with sexual offences in Foca, opened on 30 October, and a further eight cases are either ready for trial or being prepared for trial during the first half of 2001. These prosecutions will cover crimes in Sarajevo and in the Krajina region. The prosecution of Momcilo Krajisnik will be the first case to explore the responsibility of the Bosnian Serb leadership at the highest level.

In addition, our investigations continue, and more indictments can be expected in the coming months. My Office is therefore working under considerable pressure simultaneously on a number of fronts: new investigations; the preparation of indictments; pre-trial activities; the actual conduct of trials themselves, in which we must achieve both speed and fairness; and, finally, concluding all resulting appeals. We therefore have a considerable workload before us.

In completing my report on my activities, I must, of course, make reference to the recent developments in Belgrade, which have led to the removal of President Milosević from office, the lifting of sanctions and the return of the Federal Republic of Yugoslavia to the international community. The world has embraced President Koštunica despite the fact that he has repeatedly said that cooperation with the ICTY is not a priority for him. If he chose that phrase himself, I admire him. It is a clever line, one subject to different interpretations — a true politician's phrase.

But it is not a solution either, and the Milosević question cannot be so easily brushed aside. Milosević must be brought to trial before the International Tribunal. There is simply no alternative. After all the effort the international community has invested in the Balkans to restore peace to the region, after the weeks of NATO bombing to prevent massive human rights abuses against the citizens of Kosovo and given the enormous residual power and continuing influence of the hard-liners in Belgrade, it would be inconceivable to allow Milosević to walk away from the consequences of his actions. It is not enough to say that the loss of office is punishment enough, nor is it satisfactory to call him to account for election offences or some such national matter. We have already seen that there can be no deals with figures like Milosević. It is to the great credit of the international community that the temptation to offer him an easy escape route was resisted. The consequences for international criminal justice would have been devastating if that had happened.

I urge the Security Council not to allow the same result to be achieved in slow motion by lingering inactivity. It is of crucial importance that double standards be avoided in dealing with the former Yugoslavia, Croatia and Bosnia and Herzegovina. Any softening in the position adopted by the international community towards Yugoslavia will encourage other States to discontinue their cooperation with the ICTY. And we should not forget that other fugitives, such as Ratko Mladić, are in the former Yugoslavia. The authorities must also cooperate with the Tribunal in the arrest of these persons.

I intend to raise the question personally with President Koštunica, who last week invited me to begin to make arrangements to travel to Belgrade in the near future. Whatever President Koštunica may say, the surrender of Milosević is a priority. It is a priority for him; it is a priority for me; and it should, in my submission, also be a priority for the Security Council, which created the ICTY as a sub-organ of the Council, under Chapter VII of the United Nations Charter, not as a quick fix to a political crisis, but as a serious and lasting contribution to creating a meaningful and durable peace in the Balkans.

Finally, I feel compelled to make a few brief comments about some remarks made yesterday by the Russian representative in the General Assembly in response to a report of the President of the Tribunal, Judge Jorda. The Russian representative criticized the Tribunal, accusing it of being a political institution; of being anti-Serb; of being over-resourced; of improperly issuing sealed indictments; of being less than diligent

in my examination of NATO following the bombing campaign last year; of entering into an illegal agreement with NATO; and worst of all, of being a threat to the unity of accepted international law and of creating anarchy in international law by making new legal interpretations. I must say that such allegations are offensive and without foundation.

I could respond separately to each of these serious but unfounded allegations, but I would be abusing the time given to me to make my report. Any objective examination of the Tribunal's work would clearly demonstrate that the remarks of the Russian representative in the General Assembly yesterday are without any basis. I hope that I do not hear such allegations repeated again today. I am doubly disappointed that such statements were made because, unless they are maliciously or politically motivated, they have been based on misunderstandings, which could have been clarified had the Russian Government responded to my many requests to visit Moscow to discuss the work of the Tribunal.

The President: I thank Ms. Del Ponte for her substantial briefing.

Mr. Cunningham (United States of America): I would like to note at the outset that there has been no greater advocate for justice on this Council than the Netherlands, and my delegation and many others share the fundamental conviction that democratization and the pursuit of justice are fundamental pillars of our peacekeeping function.

I would like to welcome Judge Jorda, Judge Pillay and Chief Prosecutor Del Ponte to the Council. I appreciate their comments and insights and appreciate that they took the time to come to meet with us. Our agenda today spans the globe from Europe to Africa and brings together our shared belief in justice and reconciliation. Chief Prosecutor Del Ponte and Ambassador Holbrooke saw each other in Dayton a few days ago as we marked the fifth anniversary of the Dayton Peace Accords. Today, as Ambassador Holbrooke did in Dayton, I wish to publicly congratulate all three of our guests for their extraordinary efforts in the pursuit of justice.

This is a historic moment for the States of the former Yugoslavia. The three wartime leaders with whom we negotiated at Dayton five years ago have left the scene. President Tudjman has died and been replaced by President Mesić, an honourable man who ran for election on a platform that included full compliance with the International Tribunal for the Former Yugoslavia (ICTY). Milosević has been removed in a remarkable demonstration of the power of people. He has been replaced by President Koštunica, who has emphasized his commitment to democracy and the rule of law. President Izetbegović, of course, has honourably retired.

In Kosovo, the first democratic elections took place peacefully, and the people have chosen mostly moderate civilian leaders to represent them. In Bosnia itself the recent elections show slow but steady gains by new and moderate parties in the Federation and an overall long-term decline in support for nationalist parties since 1996, although it will clearly take time for the nationalist influence to abate fully, especially in the Republika Srpska. But in sum, the future trends for the Balkans are positive throughout the region. Slowly the States of the former Yugoslavia are recovering from the wounds of war and dissolution.

But the opportunities presented by these political changes will not be fully realized unless Judge Jorda and Ms. Del Ponte are successful in their important mission. Only through justice for the victims of the brutal wars that tore the Balkans apart can the process of healing and reconciliation be completed.

The Tribunal has scored some remarkable successes, particularly the arrest of Momcilo Krajisnik, one of the worst criminals from the war. I agree with Ms. Del Ponte that all the major indictees must end up in their rightful place behind bars and in The Hague, including in particular Karadzić, Mladić and, of course, Milosević.

There are many others who have not been indicted who should be. We noted last weekend at the fifth anniversary conference on the Dayton Peace Accords an important recent study by the International Crisis Group. That report documents many perpetrators who are at large, some of them serving in leadership positions in the Republika Srpska. These are exactly the sorts of officials whose day-to-day activities impede the full implementation of Dayton and prevent refugees from returning to their homes. We call on the Tribunal and others in the international community, including the High Representative and the Organization for Security and Cooperation in Europe, to take vigorous action to ensure that justice is done and that

the efforts of such people to block Dayton's full implementation are stopped.

All the countries of the region have an obligation to comply fully with the Tribunal. About a month ago, Ambassador Holbrooke met with President Koštunica and urged him to comply fully with his legal obligations to the Tribunal. We are delighted by indications that as a first step the Yugoslav authorities are preparing to reopen the ICTY's offices in Belgrade, which were closed by Milosević last year, and to permit Ms. Del Ponte to travel to Yugoslavia.

Last weekend, in Dayton, Ambassador Holbrooke also met with President Mesić of Croatia, whose efforts to transform his nation since his election also deserve the congratulations and support of the entire international community. He has repeatedly expressed his strong support for cooperation with the Tribunal. We encouraged him to redouble his efforts to ensure that Croatia's compliance with its obligations to the Tribunal is complete and timely. We encourage Croatia to cooperate fully.

The international community must also do its part. Justice must be swift, as well as true, and I am therefore pleased to announce my Government's support in principle for new *ad litem* judges for the ICTY, as President Jorda has proposed. We are working with our colleagues on the Council to respond positively to this proposal. These judges will provide an important boost to the Court, and help it clear a very busy docket. Given its workload, however, we do not believe that our common goals will be well served by extending the Tribunal's jurisdiction further. Quite simply, the Tribunal has more than enough to do under its current mandate, as President Jorda's plea for further support exemplifies. We believe that other problems in the region can be resolved more efficiently and with equal fairness through different mechanisms.

We do not believe that it would be appropriate to set arbitrary deadlines for the ICTY's jurisdiction or the completion of its mission. Our focus must be on assuring that the Tribunal is able to finish its job as quickly as possible. This process can best be aided if we provide it with the resources it needs, and if the States of the region give it their full cooperation.

Given the historic events in the Balkans, I have deliberately chosen to focus my remarks on the ICTY. However, the work of the Tribunal in Africa — the International Criminal Tribunal for Rwanda — is every bit as important as the work of the Tribunal in Europe. We are pleased that the ICTR has an excellent apprehension rate, with 44 out of 53 indictees in custody. We are also pleased that the ICTR is using three Chambers simultaneously, with seven defendants currently on trial.

The Lusaka process is at a dangerous impasse, an issue that will occupy this Council in the near future. One of the core issues in the crisis is the continued presence of units of the ex-Rwandan Armed Forces (ex-FAR) and Interahamwe fighting in the Democratic Republic of the Congo. Some maintain that this justifies the Rwandan intervention, while others insist that the ex-FAR/Interahamwe serves as a smokescreen for a broader agenda. I will leave that to regional experts to figure out. However, this Council is united in its call for the withdrawal of all foreign forces from the Democratic Republic of the Congo, in accordance with the Lusaka Agreement and Security Council resolution 1304 (2000). Frank discussion about the ex-FAR/Interahamwe will speed this process, while ignoring the subject will delay the departure of foreign forces.

The faster the leadership of the ex-FAR/Interahamwe is turned over the ICTR, and the faster the rank-and-file soldiers are demobilized, reintegrated or resettled, the easier it will be to resolve this issue.

There has been a reluctance on the part of some members of the Council to allow the very mention of the words "ex-FAR/Interahamwe" in any official document. That erodes our credibility and diminishes our effectiveness. If we yield to political sensitivities and omit reference to the architects of the 1994 Rwandan genocide, we do ourselves a disservice. I urge the Council to break its self-imposed silence on this issue.

The Tribunals stand as a manifestation of our common desire for justice in the face of horror. The implementation of their mandates has been difficult, expensive, time-consuming and often frustrating. We are about to embark on a similar procedure in Sierra Leone, and it will not get easier. However, we must never allow the obstacles to define our experience; rather, the goal of justice must shape our actions.

Mr. Chowdhury (Bangladesh): We welcome the presence of Judge Claude Jorda, Judge Navanethem Pillay and Chief Prosecutor Carla Del Ponte in the

Council and thank them for updating us on the work and overall situation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). We thank all of them for their informative briefing on the current situation and for their suggestions for improving and enhancing the effectiveness of the ICTY and ICTR.

As Judge Pillay underlined in the General Assembly yesterday, the setting up by the Security Council of the ICTY and ICTR demonstrated the global commitment to justice and respect for international law. The Tribunals have had far-reaching implications. They have provided precedents for tribunals being established for Sierra Leone and Cambodia and for emerging international institutions based on the rule of law.

Turning to the ICTY, we are very appreciative of the professional way in which the President of that Tribunal has been carrying out his very complex responsibilities since assuming his present role a year ago. Bangladesh has always supported, and will continue to support, the work of the Tribunal in bringing to justice those responsible for the horrors in the former Yugoslavia. In this context, we welcome the fact that the Federal Republic of Yugoslavia has joined the community of nations and taken up its responsibilities and obligations for maintaining peace, thereby significantly brightening the prospects for justice.

The following points, we believe, are of particular relevance for the effective discharge of the ICTY's responsibilities.

The first point relates to the need for justice. In order to establish peace in the Balkans, justice must be served. The United Nations has taken a concrete approach in creating and supporting the ICTY, and has thereby sought to defend humanitarian values and contributed to the restoration and maintenance of peace in various parts of the world that have been beset by unspeakable violence. It is our combined responsibility to seek out those persons responsible for gross violations of international humanitarian laws and to ensure that they are tried.

Secondly, many criminals are still at large. Of the 65 individuals currently indicted by the ICTY, only 37 have been arrested; the rest have still not been apprehended. They include many high-ranking political leaders and military officials, who must account for their acts before the International Tribunal. The cooperation of all States, in particular the Balkan States, is essential in bringing the indictees to justice. The changed political climate in that region has brought new opportunities and hope that the accused will soon be arrested.

Thirdly, with regard to the capacity of the ICTY, we must pay close attention to the apparatus we have created to ensure justice. Many trials have yet to begin, but the Tribunal is already operating at maximum capacity, with an unprecedented workload. A judicial backlog is fast being built up. If it takes too long to complete the trials, then the purpose of delivering justice will be defeated. If the Tribunal has to deal with the projected number of cases without reform of the apparatus, it has been estimated that it may take another 15 years to complete its mission. This is unacceptable. Delaying justice is denying justice. We must find ways to speed up the trials and bring the mission to an end within a reasonable period. Our aim should be completion of the mission by 2005.

Fourthly, with regard to the reform of the penal policy, several options have been put forward for consideration. We would like to favourably consider the two-fold solution offered by Judge Jorda. This involves, first, expediting the pre-trial phase by giving more responsibility to qualified legal officers — which will free up the judges' time for the actual trial of cases — and, secondly, increasing the Tribunal's capacity by the creation of an *ad litem* pool of judges. We have considered these proposals at some length at the expert level in the Security Council. We welcome Judge Jorda's informing us that he is undertaking internal reform measures in the ICTY to make this two-fold solution fully effective.

It is now almost 10 years since the ICTY was created. There is a danger in unduly prolonging trials. The testimony becomes vague with the passage of time, and its authenticity fades. While the accused must be tried without undue delay, the quality and reliability of the process must also be ensured. We need to extend our full support to increasing the capacity of the Tribunal and ensuring speedy justice. We will continue to support this process in the Council as we are convinced that only justice can guarantee long-lasting peace.

Finally, a few words on the International Criminal Tribunal for Rwanda (ICTR). In Rwanda, as in the Balkans, the goal of achieving peace and reconciliation is related to justice. True reconciliation will be difficult to achieve without justice. We are happy to note that the ICTR's performance has improved substantially during what Judge Pillay has called a dynamic year. We encourage Judge Pillay to complete the 35 cases awaiting trial within the time of the mandate. It is important that necessary resources and support be provided to the Tribunal for this purpose by us, the Member States of the United Nations.

Mr. Levitte (France) (*spoke in French*): The reports submitted yesterday to the General Assembly by the President of the International Tribunal for Rwanda and the President of the International Tribunal for the Former Yugoslavia and the Presidents' statements to the Council today, as well as that of the Prosecutor, Carla Del Ponte, provide us a clear picture of the situation of both of these Tribunals.

The International Tribunal for the Former Yugoslavia has come to a turning point. On the one hand, particularly over the last three years, it has come to work at a very intense pace. The number of criminals publicly indicted and imprisoned is now greater than the number of accused still at large. On the other hand, historic changes have intervened in the Balkans. The year 2000 began with political change in Croatia, after presidential and legislative elections. The year then saw the victory of democratic forces in the Federal Republic of Yugoslavia and the elections of 24 September.

These changes should have a positive impact on the work of the International Tribunal for the Former Yugoslavia. Together with its European partners, France is convinced that the restoration of the rule of law and of peace in the region will aid and be aided by the bringing to trial of individuals suspected of very serious violations of international humanitarian law.

In this connection it is indispensable that all States and entities abide by their obligations to cooperate with the Tribunal. This appeal is addressed in particular to the Federal Republic of Yugoslavia. In this regard we take it as an encouraging sign that a Tribunal office is to be opened in Belgrade.

In our view Croatia appears to be showing a real political readiness to cooperate. I have in mind, in particular, the fact that the Government has revised its official position on the competence of the Tribunal. I am also thinking of Croatia's having recognized the official status of the local liaison bureau, and of the turning over of a suspect whose case had, on two earlier occasions, been brought before our Council by the President of the International Tribunal for the Former Yugoslavia. But I also clearly understood what Mrs. Carla Del Ponte said.

The International Tribunal for the Former Yugoslavia is rightly concerned that it be able to tackle its workload with the necessary efficacy and speed. Together the Judges have worked out a series of proposals that President Jorda himself submitted to our Council last June.

The ad hoc working group that the Council created in July has examined the proposed amendments to the Statute. These would, on the one hand, allow for instating *ad litem* judges in order to provide back up, as necessary, in the Trial Chambers; and, on the other hand, attach two International Criminal Tribunal for Rwanda judges to the Appeals Chamber that is shared by the two Tribunals. France hopes that — before the end of this month, under the Netherlands presidency — the Security Council will able to adopt these amendments to the Statutes of the two Tribunals.

By rapidly taking such a decision as to the *ad litem* judges and the Appeals Chamber, the Security Council will help the Tribunal accomplish its mission within a reasonable time-frame. This objective will also be served by the determination of the Prosecutor to have the investigations and indictments target the most highly placed civilian and military decision-makers. Moreover, we do not doubt that the Tribunal will find a way to take into account the emergence of local courts in the countries of the former Yugoslavia, as allowed by its Statute and Rules of Procedure and Evidence.

As for setting a time limit for the jurisdiction of the Tribunal, it is important that the Council's decision on this subject be adequately thought through. We suggest that the Secretary-General put relevant proposals to the Security Council.

We support the other amendments President Jorda proposed aimed at providing compensation for individuals unjustly prosecuted and incarcerated.

This brings me to the International Criminal Tribunal for Rwanda. This Tribunal has an essential

mission: to see that justice is done and to contribute to the restoration of peace in the Great Lakes region — a major Security Council concern.

The Tribunal is now coming fully into its own. It was the first international jurisdiction to hand down guilty verdicts for the crime of genocide. Its workload and responsibility are heavy and demanding. The Tribunal continues to encounter many challenges, in terms of its workload and management. I say this, notwithstanding the progress that has been made. I have in mind here the establishment of a third Trial Chamber. I am also thinking of the ongoing reform of the Offices of the Prosecutor in Kigali and Arusha. The Tribunal must make full use of its human and material resources, as well as of the possibilities afforded by its rules of procedure.

Year after year the Tribunal has run into many difficulties regarding its management.

We are aware that there are still unresolved issues in this connection. As my delegation said yesterday, when we addressed the General Assembly on behalf of the European Union, this situation continues to be of serious concern to us. The resumption of relations of trust and cooperation between the Tribunal and Rwanda, given tangible expression by the appointment in October 1999 of a representative of the Rwandan Government to the Tribunal, and by the visit in May 2000 by Ms. Del Ponte to Kigali, are positive developments.

The experience of the two Tribunals has enabled us to become aware of just how important the question of victims' access to the Tribunal and their protection is. It is essential for the victims of those crimes to be assured that the responsibility of their aggressors will be dealt with before the Tribunal and that the victims will enjoy the services of counsel and support. It is also essential to ensure protection for the witnesses and victims who appear before the Tribunal. We particularly welcome the witness assistance programme, as well as the counselling and support services made available to them with the financial backing of the European Union. France also hopes to have the situation of the victims recognized in the context of the procedures at the International Criminal Tribunal.

The two Tribunals have played a pioneering role, contributing to the work that led to the Rome Statute of the International Criminal Court. They serve as a prototype for a new kind of jurisdiction, making it possible to ensure respect for international humanitarian law. The judgements handed down also attest to the international community's intention to put an end to the impunity that too often in the past had gone hand in hand with international humanitarian law violations and serious human rights violations.

Both of these International Tribunals have a heavy workload and a burdensome and demanding set of responsibilities. They can count on France for unfailing support in their work for justice in connection with the most serious crimes and in their contribution to the consolidation of peace.

Mr. Heinbecker (Canada) *(spoke in French)*: My delegation joins others in extending a welcome to Presidents Jorda and Pillay and to Chief Prosecutor Del Ponte. We are obliged to them for their reports on the important work being done by both ad hoc Tribunals for crimes against humanity.

(spoke in English)

Canada believes deeply that the Tribunals play a crucial role in the promotion of human security by ending impunity for the most serious crimes known to humanity and thereby creating an enduring foundation for peace.

The effectiveness of the Tribunals and progress towards the International Criminal Court help to prevent conflict. They demonstrate to potential perpetrators that war crimes and crimes against humanity will not be allowed to stand.

This year has brought many positive changes in the functioning of the Tribunals. We have seen an improvement in the cooperation of the new Croatian leadership with the International Criminal Tribunal for the Former Yugoslavia (ICTY). We are at the same time disappointed by the Prosecutor's report that Croatia's cooperation has not yet reached the standard required.

We are encouraged by the recent announcement that the Chief Prosecutor will be travelling to Belgrade and that the Office of the Prosecutor in Belgrade will soon be reopened. This marks an important first step in the process of normalizing relations between the Federal Republic of Yugoslavia and the Tribunal, and between the Federal Republic of Yugoslavia and the international community more generally. In this regard, my Government would be interested in having Ms. Del

Ponte's views on how changes in the Federal Republic of Yugoslavia will affect or are affecting the work of the Tribunal.

We note the Prosecutor's plea that more effort is required to deliver all indicted war criminals to The Hague. As Judge Jorda said, the highest-ranking political and military officials remain at large. And as Prosecutor Del Ponte said, Milosević, Mladić and Karadzić, too, must be brought to The Hague. This Council cannot fail to recognize that there is a world of difference between election fraud and government corruption, on the one hand, and war crimes and crimes against humanity, on the other.

Canada firmly believes that cooperation from all countries of the former Yugoslavia with the ICTY is essential for justice and reconciliation in the Balkans.

Furthermore, we recognize the valuable role the ICTY is playing in developing international law in an unbiased and independent manner. We urge all States members of the Council to support the work of the Tribunal and not to cast doubt upon it. I would recall again that the Tribunal is integral to conflict prevention in the Balkans by bringing the truth to light and by redressing grievances that might otherwise fuel the next generation's Balkan war.

It is unacceptable that individuals who have been publicly indicted by that Tribunal continue to participate in politics. We call on those countries that continue to harbour such indictees to transfer them to The Hague promptly.

Canada is also pleased with the improvement over the past year in relations between the International Criminal Tribunal for Rwanda (ICTR) and the Government of Rwanda. These relations will no doubt be helped by the announcement of two recent initiatives: the opening of the ICTR information and documentation centre in Kigali, which will improve access of the Rwandan people to the work of the Tribunal, and the launch of the Support Programme for Witnesses and Potential Witnesses, which will provide important services such as legal guidance, psychological counselling, physical rehabilitation and reintegration assistance.

We note that crimes of sexual violence are being addressed in an ever-more comprehensive manner and that reforms have been, and are being, made by both Tribunals to ensure that those who have suffered or witnessed terrible crimes will be dealt with in a sensitive way.

Over the past year, both Tribunals have taken steps to implement the Expert Group report in order to improve efficiency and streamline the work of the Tribunals. These improvements are key to ensuring that the Tribunals' budgets are being used effectively and that the rights of the accused are respected.

To this end, we support proposals to amend the statutes of the Tribunals to add additional ICTR judges to the joint Appeals Chamber and to create a pool of *ad litem* judges in the ICTY. These important initiatives will assist the Tribunals in speeding up the pace of prosecutions, thereby ensuring swifter justice. In and of themselves, these reforms will accelerate the completion of the mandate of the Tribunal. The end result is that the Tribunals will finish their work earlier. We recommend that these statutory amendments be adopted as soon as possible.

(*spoke in French*)

The work of both ad hoc Tribunals has set an important and lasting precedent with regard to the International Criminal Court. We thus encourage both Tribunals to continue improving their internal operations.

For our part, we will continue to provide support and assistance.

Mr. Eldon (United Kingdom): It is now well after noon, and with 10 speakers still to go I will not attempt to make a comprehensive statement. But I do want to try to draw some threads together from this very important and significant meeting.

It is very welcome that the two Presidents and the Prosecutor have come to the Council together to report to us. This is partly because, taken together, they are able to give us a full and comprehensive picture of the work of the Tribunals, and because it is imperative that all the organs of the Tribunals work together to tackle problems and maximize efficiency.

The United Kingdom remains strongly committed to the Tribunals and fully supports the Prosecutor's continuing investigation of atrocities and bringing to trial of alleged perpetrators of crimes in Rwanda and the former Yugoslavia. We are playing our part, including having recently transferred one indictee to Arusha who was apprehended in the United Kingdom.

We played our part in the court management report and visit to the Rwanda Tribunal, which Judge Pillay mentioned. For the second year running, we have provided a scenes-of-crime forensic team to work in Kosovo.

As I think all three of our visitors have said, the past year has seen welcome progress. We, like others, hope that recent political developments in the former Yugoslavia will lead in the near future to further positive developments. I think that Ms. Del Ponte's news of her intention to travel to Belgrade and of the early reopening of the office of the International Criminal Tribunal for the Former Yugoslavia (ICTY) there is very good news.

The key issue remains that those who are alleged to have committed war crimes and crimes against humanity must be brought to justice. I would merely observe, as Ambassador Heinbecker has done, that I think that it is incumbent upon all members of the Council to stand behind the institutions they have created in view of the importance of the mission of both Tribunals. Frankly, there are still too many indictees at large. This should be of concern to us all. As far as the United Kingdom is concerned, we call on all States to fulfil their obligations under the Security Council resolutions and to arrest indictees when they are in their jurisdiction.

Now is not the time to set a date for the ending of either the ICTY temporal jurisdiction or of its mandate. Too many important indictees remain at large and, once those have been sent to The Hague, we will have a better idea of when the Tribunal will be able to finish its work.

I would now like to focus on measures to speed up the work of the Tribunals. As others have said, a Council working group is currently studying Judge Jorda's proposals for the appointment of additional *ad litem* judges. We welcome all proposals aimed at speeding up the judicial process. We believe — and I think this has been borne out by what my colleagues have said here this morning — that all Council members recognize the importance of moving ahead quickly in this area. We hope, like others, that we will be able to reach agreement on Judge Jorda's proposals during your presidency, Sir.

The issues of compensation and the involvement of victims, which were raised by Ms. Del Ponte, will, I think, require further careful study. The involvement of victims is something which has the potential to break new legal ground and, obviously, there are resource implications about the compensation issue.

On the ICTY, I would endorse fully Ambassador Levitte's remarks about the need to make full use of the human and other resources available to the Tribunal. I listened with interest to Judge Pillay's remarks about the use of Trial Chambers. I hope that the Tribunal will be able to figure out further ways of increasing the efficiency of the use of its resources. It is clear that there have been administrative problems and we hope that the visit by the court consultant will be able to clear those up, but it is clearly important that the Registry and other parts of the Tribunal should function effectively and efficiently and provide a good, effective and expeditious service.

Finally, I noted Judge Pillay's suggestion, which was repeated by Ms. Del Ponte, of a possible move of the Tribunal to Kigali. While understanding the natural wish of the people and Government of Rwanda to feel more involved in the trial process, I would like to say that I think this, too, requires careful consideration. The Council would, I think, be irresponsible not to take account of the resource implications and, having set up the Tribunal in Arusha, one needs to be careful not to rush too quickly into dismantling what has been established at such cost and with painstaking care.

Mr. Cappagli (Argentina) (*spoke in Spanish*): At the outset, I wish to thank the Presidents of the International Criminal Tribunals for Rwanda and the Former Yugoslavia, as well as Prosecutor Carla Del Ponte, for their briefings to the Council and for the work they are undertaking.

Years ago, the Security Council, guided by the need to respond to the demand for justice in the face of the tragic events in Yugoslavia and Rwanda, decided to establish special criminal tribunals to try the most serious crimes perpetrated there. The end of the cold war, the new relations of power that emerged from that development in the international system, and the confirmation of the fact that only the rule of law can secure peace all helped to build the consensus needed to adopt this revolutionary initiative, which Argentina supported from the very outset, when no one yet knew for certain whether it had any chance of success and its very legitimacy was in question.

Over the years, the support of the Council, the financial and political backing of many States and the

outstanding professional calibre of the judges, prosecutors and officers of both Tribunals have enabled the achievement of very positive results that have had an impact in the field of human rights, contributing in large measure to the establishment of the International Criminal Court.

When the special Criminal Tribunals finish their work a few years hence, the International Criminal Court will be the competent international forum for trying this type of crime. There will no longer be a need to create ad hoc juridical remedies in the face of massive human rights violations, as the Council has had to do this very year. By that time, humanity will have made one of the most far-reaching strides ever taken in the fight for the fundamental rights and freedoms of individuals. It is possible that, without the positive impulse provided by the decision to create and maintain these Tribunals, that progress would have been achieved only after many further years.

In considering this year's presentations of the Prosecutor, Ms. Del Ponte, and of the President of the International Criminal Tribunal for the Former Yugoslavia, the Council has noted that one of the primary difficulties encountered lies in the lack of cooperation of some States that may frustrate the arrest of indictees.

Fortunately, major progress has been made this year. In the Balkans, political developments in February in Croatia and recently in the Federal Republic of Yugoslavia give us far more tangible reason to hope for improved cooperation with the Tribunal and for measures to comply with the obligation to detain and bring before the Tribunal all indictees. We are delighted to note that, this year alone, one third of the 38 accused have now been arrested. As we recalled last June and have stressed on other occasions, States are obliged to ensure such detentions.

The Rwanda Tribunal, having spent a great deal of time trying to remove administrative and other obstacles, finally adopted appropriate measures to overcome them and received the support of a number of countries, making it possible to arrest some accused, and it has just confirmed its first sentence for genocide upon a head of government.

Notwithstanding that, the Tribunals are still encountering major problems of various kinds. The International Criminal Tribunal for the Former Yugoslavia (ICTY), which is already working at maximum capacity, must nonetheless cope with a growing workload. This situation must be resolved so as to avoid paralysing the process or excessively prolonging detentions and trials. To remedy this situation, its President requested the Council in May to adopt a set of measures, the most significant including the installation of *ad litem* judges and an increase in the membership of the Appeals Chamber. The Security Council established a working group which met a number of times. Senior officials of the ICTY travelled to New York frequently and, together with Council members, analysed all the doubts that were voiced, debating them exhaustively and in depth.

This analysis made it possible to make decisive progress towards adoption of the measures. We note with satisfaction that this has opened the way to the idea that the *ad litem* judges should be elected, which we believe will guarantee, as we pointed out last June, their legitimacy to pass judgement. It is also necessary for the Council, in assigning jurisdiction over specific cases to *ad litem* judges, to be guided by the premise that the Tribunal's independence should be fully guaranteed, thus ensuring for the peoples that have endured so tragic a conflict the certainty of its impartiality.

My delegation believes that the Council is already adequately prepared to incorporate the Statute reforms, so they must be adopted as soon as possible. We would very much have liked this meeting to be the opportunity for doing so. We still hope that we can take that step in what remains of this year.

Mr. Lavrov (Russian Federation) *(spoke in Russian)*: I too would like to thank the Presidents of the Tribunals and the Prosecutor for providing the Council with information. We welcome the efforts of the judges to improve the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). We understand their dissatisfaction with the speed and methods of operation of these two judicial mechanisms. At the same time, we have many other concerns that we discussed in the General Assembly on 20 November.

Everyone is well aware that Russia has consistently and for a long time raised the question of the continuing distortions in the activities of the ICTY. Today, here in the Council, Mrs. Carla Del Ponte found it possible to call Russia's position groundless and at

the same time to complain that the Russian Government did not invite her to Moscow. I think that such statements do not add anything and are inappropriate.

The name plates in front of us are very small and I understand, therefore, why the name plate in front of Mrs. Carla Del Ponte has only the word "Prosecutor". In fact, we are very well aware that her title is Prosecutor for the ICTY and the ICTR, but this does not give her the right to level accusations at the members of the Council, particularly since none of the questions that we have been raising for many years have yet received satisfactory replies, although Mrs. Del Ponte has said that she has the answers.

So we once again find it necessary to set forth our position with regard to the ICTY and to emphasize that when it established the Tribunal the international community assumed that it would play an important role in settling the crisis on the territory of the former Yugoslavia, independently of political considerations. However, instead, right from the beginning, the activities of the ICTY proved to be politicized, and the Tribunal adopted a clear anti-Serbian stance, often closing its eyes to cases of non-observance of the norms of international humanitarian law by other parties to the conflict.

When there was information about possible violations by the Federal Republic of Yugoslavia, the Prosecutor immediately made accusations, as in the Kosovo situation, but when peaceful populations were dying and civilian targets were being destroyed in Yugoslavia as a result of North Atlantic Treaty Organization (NATO) air strikes, the Tribunal found no grounds to carry out investigations.

In spite of our many requests, the Security Council has thus far received no information about the course of the investigations into the tragedy in Racak.

In recent years, the Tribunal, instead of strictly applying the norms of international humanitarian law, has repeatedly amended them as it saw fit and has given them convenient interpretations. We share the view of the President of the International Court that such activities constitute a threat to the integrity of international law. We have often questioned the Prosecutor's practice of moving sealed indictments and transmitting them not only to States, but also to international bodies. We have also spoken many times about agreements between the ICTY and NATO not being legitimate. They are still secret and still in contradiction of the decisions of the Security Council; they have actually sanctioned the activities of NATO troops in the Stabilization Force (SFOR) in hunting down the accused. During such operations there have been instances of violations of the borders of sovereign States and many killings of suspects. The most recent such case took place last October.

We have a question about whether the international community should be financing those activities of the ICTY which exceed the mandate of the Tribunal and undermine confidence in the impartiality and fairness of its actions. Russia feels it necessary, particularly taking into account the latest developments in the Balkans, to conduct an exhaustive review of the activities of the ICTY to clarify the scope of its work, its working methods and how long it should be working. The Tribunal was established, under quite different historical circumstances, as a special ad hoc body with the purpose of restoring and maintaining peace in the region. We now hear forecasts that the ICTY will need a further 15 to 20 years, which gives us serious reason to wonder about why such a temporary body should operate for such a long time. And, apart from the clear political aspects, it is necessary also to consider the colossal financial burden — in the neighbourhood of $1.5 billion to $2 billion — that will be placed upon the United Nations should the Tribunal continue to operate for such a long time.

In that connection, we take a positive view of proposal to enhance the Tribunal's effectiveness and to accelerate its judicial activities by, inter alia, reinforcing the Appeals Chamber by creating a pool of *ad litem* judges and by making more active use of the powers of senior judges during the pre-trial phase.

At the same time, we think it important to give maximal consideration to other aspects of the Tribunal's activities and to consider other recommendations and views, particularly the recommendations found in the report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the ICTY and the ICTR, annexed to document S/2000/597. We think it is time to establish more clearly the temporary nature of the jurisdiction of the ICTY in accordance with the provisions of resolution 827 (1993) of 25 May 1993.

We must not forget that the main responsibility for punishing those guilty of gross violations of

international humanitarian law remains with the State. The Tribunal is supposed to concentrate on particular crimes when the State for various reasons is not in a position to investigate them independently, or when there are serious grounds to think that national criminal investigations would not be impartial or independent. I speak in such detail simply to remind members and others present at this meeting of the conditions under which the Tribunal was established, lest it appear that somebody has invented all this.

Accelerating justice not only by increasing the number of judges in the ICTY but also by clarifying the priorities of the Prosecutor's work, by ensuring closer interaction between the Tribunal and the national judicial systems of the States of the former Yugoslavia and, in particular, through the Tribunal's strict implementation of all the provisions of its statute and of the relevant resolutions of the Security Council.

Turning to the International Criminal Tribunal for Rwanda, it is our view that at present its work does not adequately address the purposes for which it was established. Its prosecution of persons responsible for genocide, war crimes and crimes against humanity continues, unfortunately, to be slow and not very effective. We understand that the Rwanda Tribunal was obliged to begin its work at point zero, and that to carry out its work it is important that it resolve its administrative and operational problems. The Tribunal leadership is working hard on those matters.

At the same time, during the Tribunal's six years of operation, it has been able to pass only seven sentences; 42 people remain in detention, 35 of whom are awaiting trial. Every year we have consistently seen an increase in the budget and in the staff of the ICTR. Here too, we wish to refer to the report of the Group of Experts, which contains recommendations for resolving the problems in the activities of the ICTR.

Let me conclude by saying that the Russian Federation is ready to continue to support efforts to remedy the deficiencies and the organizational problems in the work of the Tribunals for the former Yugoslavia and for Rwanda in order to make sure that they operate in accordance with the mandates adopted by the Security Council.

Mr. Mohammad Kamal (Malaysia): My delegation too warmly welcomes to the Council Chamber Judge Claude Jorda, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Navanethem Pillay, President of the International Criminal Tribunal for Rwanda (ICTR), and Ms. Carla Del Ponte, Prosecutor of the two Tribunals. We thank them for their very useful and candid briefings this morning and for the annual reports of the Tribunals, which are before the Council.

Malaysia views the establishment of these two ad hoc Tribunals as an important milestone in the application of international law with respect to the prosecution of individuals accused of committing war crimes, genocide and crimes against humanity. Malaysia continues to be concerned at the long delays faced by the Tribunals. However, we are grateful for the in-depth analysis of the work of the Tribunals which has been presented to the Council, and we appreciate the extensive nature of the proposals, all of which are intended to ensure the efficient and effective functioning of the Tribunals.

We are in favour of a simplified and pragmatic approach to the consideration of proposed reform of the operation and structure of the Tribunals, an approach that would lead to expediting the trial process but that would not sacrifice or compromise the quality of that process. At this juncture, Malaysia will not pronounce itself on the specifics of the various recommendations, as they are still being actively discussed by the Council at the working group level. Suffice it to say that we find the proposals presented by the Tribunals to have a great deal of merit and to deserve the Council's serious attention and consideration. We have been and will continue to be constructive in our approach. We are confident that the Council will in due course arrive at the appropriate decisions on the various proposals and recommendations presented to it.

The meting out of justice to persons who have been indicted on war crimes, genocide and other crimes against humanity is vitally important for the international community, not just to affirm our common humanity and values, but also to meet the pragmatic political need of correcting past wrongs through the legal process, thereby contributing concretely to the healing and reconciliation process in both regions, without which there will be no viable peace in the countries concerned.

We wish to commend the manner in which the Tribunals' Victims and Witnesses Section has handled

the important issue of protective measures for witnesses appearing before the Tribunals and of providing counselling and support, including by gender experts. We wish to commend also the community of non-governmental organizations for its contributions and assistance in that regard.

Cooperation by Member States is vitally important to the successful conduct of the work of the Tribunals. That is particularly true with respect to the execution of arrest warrants, provisional detention and the transfer of suspects and accused persons to the seats of the Tribunals. Clearly, the prompt and effective execution of arrest warrants issued by the Tribunals has been and will continue to be critical to the Tribunals' ability to function effectively. In that connection, we agree with representative of Bangladesh, who said in his statement a moment ago that justice delayed was justice denied.

We note with satisfaction that, although imperfect and still problematic, cooperation between Member States and the Tribunal has improved in that much evidence has been forwarded to the ICTY and arrests of indictees have increased significantly. However, we are deeply concerned that some well-known indicted criminals have not been apprehended, even though they were indicted five years ago. We call on all Member States of the Organization, particularly the Federal Republic of Yugoslavia, to give their fullest cooperation to the Tribunal so that a lasting and durable peace can be achieved in the Balkans.

In conclusion, the Tribunals deserve the unqualified support and encouragement of the Council in all aspects of their work. The issue of indicted war criminals still at large must be seriously addressed by the Council and the rest of the international community. As Judge Claude Jorda aptly stated in his briefing this morning, the International Tribunal is the guarantor of the peace and security of mankind. Peace without justice is like music without instruments.

Mr. Wang Yingfan (China) (*spoke in Chinese*): May I begin by thanking President Jorda of the International Criminal Tribunal for the Former Yugoslavia(ICTY), President Pillay of the International Criminal Tribunal for Rwanda (ICTR) and the Chief Prosecutor for the two Tribunals, Ms. Del Ponte, for their briefings, which provide us with a useful basis for our annual review of their work.

As international criminal justice institutions established by the Security Council, the Tribunals' independence and impartiality are of paramount importance. The Council had two goals in creating these ad hoc Tribunals. On the one hand, the Tribunals are to conduct fair trials of persons accused of serious violations of international humanitarian law and render justice to the victims of the crimes in question, while helping to prevent the future perpetration of similar atrocities. On the other hand, the Tribunals are to facilitate peace and reconciliation in the regions concerned. Security Council resolutions 808 (1993), 827 (1993), 955 (1994), 1165 (1998) and 1166 (1998) all emphasized the contributions of the work of the ad hoc Tribunals to the national reconciliation process and the restoration of peace and security in the regions and countries concerned. In carrying out their work, the ad hoc Tribunals should bear in mind the dual functions I have mentioned, and fully accomplish their mission in a just manner.

Important progress has been made in many aspects of the Tribunals' work. However, we have also found considerable inadequacies in their operation. We have serious reservations about the conclusion of the Prosecutor that there is no basis for opening an investigation into allegations of crimes or serious violations of international humanitarian law during the bombings by the North Atlantic Treaty Organization of the Federal Republic of Yugoslavia.

We support in principle the ICTY's proposals for reform by taking effective measures to accelerate its proceedings with a view to fulfilling its mandate within a reasonable timeframe. We do not think that a mere increase in its trial capacity will be sufficient to achieve that goal. We believe that in view of the major political changes in the former Yugoslavia, the Council should determine in an opportune fashion the ending date of the Tribunal's temporal jurisdiction. In that regard, we support the views expressed by the Russian representative.

In addition, the Tribunal should also consider further measures to reduce its caseload. For instance, where conditions permit, certain cases involving crimes by lower-level persons should be transferred to national courts in the countries of the former Yugoslavia. It should also explore the possibility of resorting to some sort of truth and reconciliation process. In our opinion, all these issues should be seriously considered and discussed within the

framework of the Council's informal Working Group on ad hoc tribunals.

Before concluding, I would like to say that we have taken note of the Tribunal's optimism in paragraph 350 of its seventh report (S/2000/777) about the completion by 2007 of its mission, or at least its trial mission. We are ready to actively consider the necessary measures to meet that time-bound target.

Miss Durrant (Jamaica): Jamaica welcomes the presence of Judge Claude Jorda, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY); Judge Pillay, President of the International Criminal Tribunal for Rwanda (ICTR); and Ms. Carla Del Ponte, Chief Prosecutor for the ICTY and the ICTR. We thank them for their informative briefings, which provide the framework for the Council's review of the work of the Tribunals.

The Tribunals were established to bring to justice those guilty of war crimes, thereby helping to create a new environment in which the past can be put to rest and the proper foundation for reconciliation laid. It is therefore imperative that we continue to support the work of the Tribunals as they seek to fulfil the mandates entrusted to them by the Security Council.

With regard to the work of the ICTY, we have all acknowledged the importance of the Tribunal's concluding its work in the shortest possible time. We continue to believe that, as my colleague from Malaysia has just repeated, justice delayed is justice denied. The Security Council must therefore take early action on the recommendations before us for consideration. The Working Group established by the Council to assess and implement those recommendations has been making good progress, and there appears to be broad consensus for increasing the capacity of the Trial Chambers and for the use of *ad litem* judges. We still have to determine how best to amend the Statute to accommodate those proposals. As we ponder the process for the selection and appointment of *ad litem* judges — should we decide that they should be appointed — my delegation would express its support for that to be done by the process of elections, which would take into account the principle of equitable geographic distribution, as well as the representation of the various legal systems of the world. We are confident that the Council will be able to complete that work shortly, so as to provide the Tribunal with the essential tools for its work.

Other issues have been brought before the Council for its consideration, including the compensation of persons wrongfully detained, prosecuted or convicted. This is an issue we feel must be considered very carefully. We need to be very clear about who should be compensated, the manner in which those persons are compensated, and the implications for the work of the Tribunal and for the United Nations.

With regard to Rwanda, we were pleased to learn from Judge Pillay that, despite the initial delays in moving the trials forward, the ICTR can be expected to complete the trials of the current indictees within the period mandated by the Statute. We are also pleased to learn from her that there are signs of improvement in the environment in Rwanda as a result of the work of the ICTR.

The recent political developments in the Balkans provide further impetus for the conclusion of the work of the ICTY as soon as possible. The political landscape is different now from what it was a few years ago. We are pleased to note the cooperation between the States involved and the Tribunal has improved, and we are optimistic that this trend will continue. The proposals put forward today by the Chief Prosecutor, namely that in order to bring justice to the Balkans, certain restrictive provisions in the Statute circumscribing the jurisdiction of the ICTY should be reviewed and acted upon.

In conclusion, my delegation wishes to commend the work done by the Presidents of the Tribunals, the Prosecutor, the Judges and the officials, and assure them of our continued support.

Mr. Krokhmal (Ukraine): I would like to welcome Judge Pillay, Judge Jorda and Chief Prosecutor Del Ponte and to thank them for their comprehensive and interesting briefings. I also wish to take this opportunity to pay tribute to all the judges of the Tribunals for their dedicated work and tireless efforts in discharging their mandate.

Some six months ago the Council discussed in an open meeting the Carlsson report on the Rwanda genocide, and the memory of that debate is still fresh. Later this year the Security Council adopted a presidential statement on the anniversary of the massacre that followed the fall of Srebrenica.

Those tragic events became in a way symbols of the most distressing failures of this Organization, which prompted serious reconsideration by the United Nations of its policies and standards in a number of areas, including peacekeeping, conflict management and prevention and others. The scale and brutality of the crimes perpetrated in the former Yugoslavia and Rwanda, as well as the need to enforce respect for international humanitarian law in the future, called for the creation of a credible universal system of criminal justice, which later culminated in the adoption of the Rome Statute of the International Criminal Court.

Previous discussions in the Council and the General Assembly, including yesterday's debate, underscored the important role the Tribunals play in meting out justice and healing the wounds caused by the human tragedies that shook Rwanda and the former Yugoslavia. No less important is their role in the process of reconciliation and restoring peace in the respective regions. It is, therefore, imperative for those judicial institutions to maintain the highest standards of impartiality and to remain free of any political considerations in their activities. Although, as we can see, this task is the most difficult one to achieve, it remains an indispensable component of their effective work.

My delegation notes the latest report on the work of the International Tribunal for Rwanda (ICTR) that was presented yesterday by Judge Pillay and was discussed by the General Assembly. It is noteworthy that despite significant difficulties and problems faced by the ICTR, developments since November 1999 have given us grounds for optimism. The resumption of cooperation between Rwanda and the ICTR and the recent inauguration of the Information and Documentation Centre, the increased number of arrests of high-ranking officials involved in the massacres in 1994 and their transfer to the ICTR, including the transfer of Mr. Ntakirutimana to Arusha, the enhanced cooperation of African States in tracking, arresting and transporting indicted suspects to Arusha, the growing number of judgements rendered by the Tribunal, the successful management of many administrative and logistical difficulties and many other developments are all signs of the ICTR's improved performance in the past year.

We are particularly pleased by the efforts of the Tribunal to ensure that the significant number of cases before the ICTR and the excessive number of motions filed by parties in cases do not slow down or prolong trials. The Barayagwiza case is an unfortunate precedent that should not occur again. In this connection, we welcome additional measures taken by the Office of the Prosecutor and the judges of the ICTR to identify problems and to reduce delays in the future, in particular the amendments to the Rules of Procedure and Evidence that allowed the pre-trial motions to be dispensed more expeditiously. I would like to welcome the Prosecutor's intention to require the Trial Chambers to hold trials in Rwanda.

We also wish to emphasise the important role played by the International Tribunal for the Former Yugoslavia (ICTY) in bringing about significant changes in the political scene of the Balkans in the past year. By contributing to these changes, it has successfully carried out the main part of its mandate, aimed at restoring peace in the region. We therefore consider extremely appropriate the conclusion by the judges of the ICTY that the Tribunal has reached a turning point in its history.

This situation calls for a careful examination of many aspects of the Tribunal's work in the new circumstances. Earlier this year, in anticipation of these changes, the judges of the Tribunal undertook a forward-looking analysis of its activities, which included such issues as the long-term planning of the Tribunal's operation, the length of its mandate and future relations with the International Criminal Court. My delegation welcomes these initiatives and fully supports the work of the Council working group, established to address all these issues in a comprehensive manner.

On another track, we are pleased to note the continued work of the Tribunal on the implementation of recommendations of the Expert Group, mandated by the Secretary-General pursuant to General Assembly resolution 53/212 and resolution 53/213, including the measures already undertaken by the ICTY to expedite proceedings.

The goal to accomplish its mandate within the shortest possible period of time, possibly by 2007, as outlined in Judge Jorda's statement, or even sooner, requires that more decisive steps be taken in different directions. While recognizing the huge workload facing the Tribunal and the number of cases expected following the opening of further investigations by the Prosecutor, I cannot but recall that the improved

political situation in the Balkans, the development of democratic institutions and the strengthening of national judicial systems make it possible and practicable for the Tribunal to fully use the existing mechanisms under the Statute and its Rules of Procedure and Evidence to defer its competence in respect of particular cases to the national courts in the former Yugoslavia that have concurrent jurisdiction to prosecute persons for violations of international humanitarian law and to transfer the accused, if in the custody of the Tribunal, to the authorities of the State concerned.

The monitoring of the proceedings before national courts by the Prosecutor, coupled with the possibility for the Tribunal to rescind the order and to request the deferral of a case to the competence of the ICTY, would ensure the impartiality, fairness and integrity of such trials in national courts. This, in turn, would substantially relieve the workload of the ICTY and allow it to concentrate on the most prominent cases and the prosecution of those most responsible for the commission of crimes within the jurisdiction of the Tribunal. It would also certainly encourage the further cooperation of States with the Tribunal. My delegation will advocate such an approach in the future meetings of the working group.

My delegation also notes the request by the Chief Prosecutor to amend article 5 of the ICTY statute. We consider that request to be very interesting, and will study it very carefully.

As has already been indicated by my delegation on previous occasions, the absence on the Tribunal of judges from Eastern Europe is an issue of concern for my delegation. One could hardly imagine the Rwanda Tribunal without African judges. The wide representation of judges from all regional groups on the Tribunal — as is the case in almost all United Nations organs, including the ICTR — is important for the effectiveness and credibility of this body. We have made relevant proposals for amendments to the Tribunal's statute and call on other delegations to consider them positively.

It is my hope that this criticism of the composition of the ICTY will not be regarded by the Tribunal's officials as groundless. We strongly believe that Member States express their views so that the work of the judicial organs of the Security Council can be improved, and all those views should be respected.

Mr. Ouane (Mali) (*spoke in French*): I should like to join previous speakers in warmly welcoming to the Security Council Judge Jorda, President of the International Criminal Tribunal for the Former Yugoslavia; Ms. Pillay, President of the International Criminal Tribunal for Rwanda; and Ms. Carla Del Ponte, Chief Prosecutor of both Tribunals. I should also like to congratulate our three guests on their exhaustive statements on the progress of work and the activities of the Tribunals, and on the state of the prosecutions under way against those responsible for serious crimes committed in the territory of the former Yugoslavia and of Rwanda.

Mali believes that the International Criminal Tribunals for the Former Yugoslavia and for Rwanda have particularly historic responsibilities. They must therefore function properly and be credible. Indeed, the work of the Tribunals is extremely important because they were set up with a view to putting an end to the impunity that is still enjoyed by some of those who have committed the most heinous crimes — crimes against humanity, war crimes or genocide. The two Tribunals are also playing a pioneering role as important points of reference for the work of the Preparatory Commission for the International Criminal Court. In this regard, my delegation would like to express its satisfaction to President Jorda, Ms. Pillay and Ms. Carla Del Ponte, as well as to the judges of the Tribunals, for their constructive proposals for improving the functioning and efficiency of the International Criminal Tribunals. We welcome the proposals and hope that the Security Council will soon take the appropriate decisions with regard to the proposed amendments to the statutes so as to strengthen the effectiveness of the actions of the Tribunals.

With regard to the International Criminal Tribunal for the Former Yugoslavia, my delegation welcomes the major political changes that have taken place in the Balkans and the recent decision to open a Tribunal office in Belgrade. That gesture is an encouraging sign and demonstrates the will of the new Yugoslav authorities to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

With regard to the International Criminal Tribunal for Rwanda, my delegation welcomes the sentence of life imprisonment imposed on Mr. Jean Kambanda, former Prime Minister of Rwanda, for his

part in the genocide. We should recall that the confirmation of this sentence also represents a contribution on the part of the Tribunal to the definition of genocide. Indeed, the International Criminal Tribunal for Rwanda is the first international court to have passed sentence for the crime of genocide, and the Kambanda case shows that henceforth, when such an act of violence is committed, whatever the office or rank of the perpetrator, the crime should not go unpunished.

The International Criminal Tribunals, which share one Prosecutor and one Appeals Chamber, do not, as we know, have their own coercive powers. They depend entirely upon States in that regard. But as has been explained adequately by our three guests this morning, the cooperation of States with the Tribunals is an absolute obligation. Members States must therefore arrest and bring to justice those accused who are residing in their territories, because, as President Jorda rightly pointed out, such individuals seriously endanger international public order, of which the Council is the guarantor.

The cooperation of States is also important with regard to the sentences handed down by the International Criminal Tribunal for Rwanda. In this regard, I must recall that, responding positively to the appeal made by the Secretary-General to Member States, my country was the first to accept for imprisonment persons condemned by the International Criminal Tribunal for Rwanda, and they are serving their sentences in Malian prisons. This constitutes positive support for the work of the International Criminal Tribunal for Rwanda, which is working for justice, for an end to the culture of impunity and for national reconciliation in Rwanda. My delegation joins the Secretary-General and the representatives of the Tribunals who are here today in appealing to Member States to strengthen their cooperation with the International Criminal Tribunal for Rwanda.

In conclusion, I should like to assure President Jorda, President Pillay and Prosecutor Del Ponte of my delegation's support for all the activities they have undertaken to bring to justice those responsible at the highest level for the most serious violations of international humanitarian law.

Mrs. Ashipala-Musavyi (Namibia): I, too, would like to take this opportunity to welcome Judge Jorda, Judge Pillay and Prosecutor Del Ponte to our midst, and to thank them for their comprehensive and useful briefings.

My delegation has been paying special attention to the work of the Tribunals in The Hague and in Arusha, and in this regard we are grateful for their innovative and pragmatic proposals meant to enhance the quality of trial management, speed up the work of the Tribunal and decrease its workload, while protecting the quality and effectiveness of its proceedings.

In this context, my delegation also acknowledges the information provided — including the financial implications for human and logistical resources — by the Office of President Jorda, as well as by the Legal Division of the Secretariat, to the ad hoc working group for its consideration of the proposals presented earlier to the Security Council. Indeed, we concur with other delegations that, in order for the Tribunal to accomplish its tasks, statutory changes should be made to the present statute, and for that reason my delegation has expressed its willingness more than once to work with other delegations in the Security Council.

While Namibia continues to participate in the work of the ad hoc working group of the Security Council considering the Judge's proposals — which work we hope will eventually facilitate the creation of a pool of *ad litem* judges — we do so in full cognizance of the responsibilities of the Security Council and the General Assembly, as well as of the role of the Office of the Secretary-General. We also acknowledge the substantive progress made by the ad hoc working group through its informal consultations on various issues, including the selection process. It would, however, be presumptuous of my delegation to say more, since the working group is in the process of compiling a set of comprehensive proposals with regard to those particular articles of the Statute.

On the idea of compensation, my delegation is flexible about entertaining the possibility of amending the Statute of the Tribunal in order to address the issue of compensation to and participation of victims of crimes that fall within the jurisdiction of the Tribunal. In this connection, we take note of the General Assembly resolution 40/34 of 29 November 1985. However, we think that due consideration should be given to this issue within the limits of available resources.

Mr. Ben Youssef (Tunisia) (*spoke in French*): Allow me to join other delegations in thanking Judge Jorda, Judge Pillay and Chief Prosecutor Carla Del Ponte for their detailed overview of and update on the work done by the two Tribunals.

My delegation shares the various positions expressed earlier by several delegations with regard to the importance of considering the proposals presented by our guests. My delegation, however, also supports the Malaysian proposal, which stresses the importance of taking account of those proposals, while still allowing more time for the Expert Group that is considering the issue and while remaining open to any new proposals.

My delegation would like to stress that it welcomes the establishment of the Council's Expert Group that has been charged with studying the reform of the procedures and Statutes of the International Tribunals for the Former Yugoslavia and Rwanda, in support of the efforts made heretofore by the judges of the two Tribunals — in particular the proposal to make use of *ad litem* judges. Like the representative of the Ukrainian delegation, my delegation takes this opportunity to stress and reaffirm its belief that the selection of these judges and their assignment to the Trial Chambers should reflect an equitable geographical distribution that takes into account the principal judicial systems of the world.

This is all the more important given that — as was wisely stressed by the President of the international Criminal Tribunal for Rwanda in her address to the General Assembly — the jurisprudence produced by these two Tribunals has led to international recognition of the concept of individual criminal responsibility. In effect, the creation of an international justice system has provided a new option for a world that has been desperately searching to replace force with the rule of law. In our view the establishment of the rule of law at the international level is a fundamental means of establishing peace both in Rwanda and in the subregion, as well as in the former Yugoslavia, where the latest political developments and the establishment of democracy will, without question, help turn the page once and for all on a past that has exacerbated tensions in the Balkans. This in turn, we are sure, will encourage all the parties to cooperate with the International Tribunal for the Former Yugoslavia.

As for crimes of genocide and crimes against humanity, today it is commonly acknowledged within the international community that impunity must be banished from the international legal lexicon. We therefore encourage any initiatives under way that are designed to facilitate the work of the Tribunals so as to avoid delays in judgements and, above all, to reduce the costs of operations, the funds for which are strained already given the scarcity of financial resources available to the Tribunals for taking up their important mandates and fulfilling their objectives, which are so vital to the peace and security of the region.

The President: I will now make a statement in my national capacity.

The Netherlands considers the political developments in Yugoslavia encouraging. We regard the decision of the Government of the Federal Republic of Yugoslavia to allow the International Criminal Tribunal for the Former Yugoslavia (ICTY) to reopen its office in Belgrade as a significant first step.

The Netherlands has actively participated in the informal working group of the Security Council, established under the French presidency, to consider the proposals of the ICTY. As the current President, we are working on a Council decision to amend the Statute of the ICTY and the International Criminal Tribunal for Rwanda (ICTR), so that a list of so-called *ad litem* judges may be established and two new judges may be added to the Appeals Chamber. We join the many delegations that have expressed the hope that the Council will succeed in reaching a decision on this matter during the current Dutch presidency.

With regard to the ICTR, the Netherlands is pleased to note the progress that has been made by the Tribunal in speeding up its procedures. We encourage the President to continue her important endeavours to strengthen the Tribunal further. We acknowledge in this respect that much of the work is done on paper and in chambers, but we nevertheless encourage the President to make full use of the trial facilities and all the resources allocated to the Tribunal.

Finally, I would like to assure all our three guests at this meeting that the Netherlands deeply appreciates the role they are playing as officials of institutions that serve as models — or if I may borrow a term from Ambassador Levitte — as prototypes for the International Criminal Court. The International Criminal Court is gaining momentum, not least as a

result of your pioneering work in the development of international criminal law.

I now resume my function as President of the Council.

I would like to give the floor to Mrs. Del Ponte to respond to comments and questions.

Mrs. Del Ponte *(spoke in French)*: I will be quite brief because my view is that the only response required of me is to the question of the representative of Canada as to the effects of the changes in the situation in Yugoslavia. I confirm the opening of the office. In the next few days we are going to be dispatching staff. It now remains to re-establish the office and to find new premises. In any event, we are delighted to be able to open a new chapter in this cooperation and renew our work on the ground. Essentially, there is an urgent need to have access to Serbian witnesses and victims for our investigative activities. For a good ten years a major investigation has been under way, and we have not been able to conclude it because our access to Serbian victims, the opportunity to question them, was blocked. This will be one of our first tasks, so that we can finally wrap up this investigation.

As Council members know, we are also engaged in a financial inquiry into the assets of Mr. Milosević and of those who have been accused along with him. Here also we have done a great deal of work outside the territory of Yugoslavia. Now we must get local cooperation to substantiate the exact source within the country of this money, which has been frozen in several foreign bank accounts.

Of course, quite recently in a matter of great importance there have been, according to our information, a number of the accused for whom there are outstanding arrest warrants and who have taken refuge in Serbia — which territory, until very recently, provided the means of their escaping arrest. We propose to discuss with President Koštunica and the authorities ways to achieve their cooperation in arresting these people and transferring them to The Hague.

There essentially you have it. I must thank you, Mr. President, and the other members of the Security Council for the attention you have given us. We are particularly sensitive to the Council's interest and attention, and we would particularly highlight the Council's support and the fact that it is following the work we do and the constraints under which we are operating and the fact that the Council is able to help us resolve the problems that crop up as we do our work.

The President: I thank Ms. Del Ponte for her comments.

I now give the floor to Judge Pillay to respond to comments and questions raised by Council members.

Judge Pillay: All I wish to do at this stage is to thank the Council for its words of support. I have very carefully noted the suggestions and recommendations and will discuss them fully with the Judges. Of course, we will make every effort to implement them, particularly the Expert Group proposals.

I wish to assure you, Mr. President, that the Judges are by no means satisfied with the record of just seven convictions so far. We intend to do far better than that, particularly now that we are going to begin the year 2001 with fewer constraints and administrative difficulties than we had in the past. We also intend to make full use of the trial facilities and the resources provided to us by the United Nations.

The President: I thank Judge Pillay for her statement.

I now give the floor to Judge Jorda.

Judge Jorda *(spoke in French)*: I, too, will be brief in view of the lateness of the hour and in view of the density of the debate you organized. First, I thank the Council for taking the time to listen to what Judge Pillay, Prosecutor Del Ponte and I have to say. We thank you very warmly.

As my first remark, I want to note the almost unanimous agreement on the reform we proposed in June for the Tribunals. The working group initiated here in the Security Council has done a lot of work, and we are very grateful for that. We know that it has almost finished its labours, and we are very close to an agreement, which could be taken under your presidency, Sir.

What I can say to the representatives who raised a number of questions is that those questions seem very important to us, particularly those that relate to time — whether they concern temporal jurisdiction or deadlines.

As far as temporal jurisdiction is concerned, we Judges think that this is a highly political matter, and it is above all up to the Council. There is nothing I can say here, particularly since these questions of competence will one day come before the Judges.

As to the question of deadlines, I was one of the first to say that an ad hoc Tribunal was not intended to carry on its activities for dozens of years. Now, should we immediately set a date? To the representative of the Russian Federation, who raised the question, I would say that that could be a little premature. We have no idea how fast the arrests will proceed. When I made the proposals in June, we had about one arrest per month, as Ms. Del Ponte has just recalled. Now we are trying to make more arrests. Nor do we know at what pace the indictments are going to proceed. Perhaps the Council could find some flexible formula that at the same time would retain the principle that the Tribunal must have a deadline, but we think that to fix a date would, again, be premature.

A matter that is very important to me is that any delay in adopting this reform will cause damage. I am saying this with a great deal of consideration for what the representative of the Russian Federation said. I think that we cannot at the same time say that we need a date, say we need a deadline, say that the Tribunal must finish its work as soon as possible, and at the same time compromise the reform that everybody around this table has unanimously recognized as justified. So by not taking immediately decisions like that that are within reach, one might hold things up for nearly a whole year, because the budgetary cycle has already started and is going to come to an end fairly soon, in the next few weeks. So I appeal to the Council on behalf of my colleagues, on behalf of the Prosecutor, at least to take a decision on the reforms concerning the *ad litem* judges and the two appeals judges to complement the Chamber, because the Council has seen what productive work the Appeals Chamber has done.

I took note of two other questions, the one about the victims and the one about compensation. On victims, let there be no misinterpretation of our reply. If there are any Tribunals that pay attention to the fate of victims, they are the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. It is true that, as things stand at present, a whole new system needs to be designed if we want the Judges who are already overloaded to be able to respond to the requests and to the evidence produced in order to compensate the victims for damages.

One thing of great interest to us is the participation of victims in the procedure. This is the subject of complex discussions even among Judges on the provisions of the various legal systems from which they come, but it is an idea that we continue to look at. As for compensation, the Judges are quite unanimous in saying that when somebody is wrongly accused or convicted, there must be some system of reparations.

I noted the statement of the representative of Ukraine on geographical distribution, taking up what the representatives of Tunisia and, I think, Namibia said. Yes, obviously, geographical distribution will be one of the matters that the President of the Tribunal will have to bear in mind when forming the Tribunal. Obviously, one must ensure that the membership will be able to judge cases in accordance with the main principles governing our Organization.

Once again, I want to thank all the representatives who have given us their support.

Perhaps one last point about the International Court of Justice, our big sister — I have never forgotten that it is a body established under the Charter. I am very well acquainted with Judge Guillaume, who presides over it, and I cannot imagine that he has criticized the jurisprudence of the Tribunal. It is true that there are two very different kinds of jurisdiction, and on a given case they may have to adopt positions that may be different or complementary. Actually, the matter Judge Guillaume is raising is a real problem, and I think the Security Council is going to have to address it one of these days: the multiplication of organizations. Perhaps all of us are looking for a normative body that will in some way standardize concepts and ideas. Well, we have not got that far yet. I think it is up to us to define the concepts that will enable us to deal with individual criminal responsibility. This is how we ought to see things for the time being.

I will conclude by reiterating my deep gratitude and by expressing my great satisfaction with the almost general consensus on the reforms we proposed in June. I appeal to you, Mr. President, since you are in charge until the end of this month, to do all you can to ensure that measures are taken so that we can function with the new arrangements that are being considered and

that the members of the Council have almost unanimously approved.

The President: I thank Judge Jorda for the clarifications he has provided.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.40 p.m.

United Nations S/PV.4230

Security Council

Fifty-fifth year

Provisional

4230th meeting

Tuesday, 21 November 2000, 6 p.m.

New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mr. Márisco
	Bangladesh	Mr. Ahsan
	Canada	Mr. Angell
	China	Mr. Chen Xu
	France	Mr. Teixeira da Silva
	Jamaica	Miss Durrant
	Malaysia	Mr. Shahril Effendi
	Mali	Mr. Ouane
	Namibia	Ms. Iiyambo
	Russian Federation	Mr. Granovsky
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kuchynski
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Mr. Minton

Agenda

The situation between Eritrea and Ethiopia

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

00-75735 (E)

The meeting was called to order at 6 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Eritrea and Ethiopia

The President: The Security Council will now continue its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council reaffirms its resolutions regarding the situation in Ethiopia and Eritrea, in particular resolutions 1298 (2000) of 17 May 2000, 1312 (2000) of 31 July 2000 and 1320 (2000) of 15 September 2000, which established the United Nations Mission in Ethiopia and Eritrea (UNMEE).

"The Security Council reaffirms the commitment of all Member States to the sovereignty, independence and territorial integrity of Ethiopia and Eritrea.

"The Security Council notes with appreciation the commitment of both parties towards a final and comprehensive peace settlement. The Council also notes with appreciation the rounds of proximity talks that have taken place and, pursuant to paragraph 14 of resolution 1320 (2000), calls on the parties to continue negotiations and to conclude without delay a final and comprehensive peace settlement. The Council emphasizes that the deployment of UNMEE should contribute to a positive climate for negotiations and that it does not replace the need for such a peace settlement.

"The Security Council reiterates its strong support for the Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea signed in Algiers on 18 June 2000 (S/2000/601).

"The Security Council underlines the important role which confidence-building measures could play in dispelling the remaining distrust between Ethiopia and Eritrea, and encourages both States to agree on a package of such measures. In particular the Council encourages the parties to agree on the immediate release and voluntary and orderly return of interned civilians under the auspices of the International Committee of the Red Cross (ICRC); the opening of land and air corridors for UNMEE; an exchange of maps showing mined areas; the prompt release of prisoners of war and their return under the auspices of the ICRC; and a moratorium on expulsions.

"The Security Council reaffirms the need for both parties to fulfil all their obligations under international humanitarian, human rights and refugee law. The Council calls on the parties to cooperate with UNMEE in this regard.

"The Security Council expresses its continuing support for the efforts of the Secretary-General and his Special Envoy, the Organization of African Unity, the President of Algeria and his Special Envoy, and concerned Member States to find a peaceful and lasting solution to the conflict.

"The Security Council underlines the importance of the full compliance of Member States with the arms embargo imposed by resolution 1298 (2000).

"The Security Council remains actively seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2000/34.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 6.05 p.m.

The meeting was called to order at 4.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

Letter dated 21 November 2000 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council
(S/2000/1109)

The President: I should like to inform the Council that I have received letters from the representatives of Israel, the Libyan Arab Jamahiriya and South Africa, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Lancry (Israel) took a seat at the Council table and Mr. Dorda (Libyan Arab Jamahiriya) and Mr. Kumalo (South Africa) took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 22 November 2000 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2000/1112, which reads as follows:

> "I have the honour to request that in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held on Wednesday, 22 November 2000, with regard to the situation in the occupied Palestinian territories, including Jerusalem."

I propose, with the consent of the Council, to invite the Permanent Observe of Palestine to participate in the current debate, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine), took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in response to the request contained in a letter dated 21 November 2000 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council, document S/2000/1109. I should like to draw the attention of the members of the Council to document S/2000/1107, which contains the text of the identical letters dated 20 November 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council.

I call on the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) *(spoke in Arabic)*: Allow me first of all to congratulate you, Mr. President, on presiding over the Council this month and to express to you our gratitude for understanding the very difficult time the Palestinian people are experiencing. I should also like to take this opportunity to particularly thank the President of the Council of last month, Ambassador Andjaba, for the valuable efforts he made to ensure that the Council assume its responsibilities vis-à-vis the explosive situation affecting the Palestinian occupied territories, Jerusalem and the Middle East in general. These and other efforts of the Council led to the adoption of resolution 1322 (2000) — a resolution of great value and significance that has, like others, still not been implemented by the occupying Power, Israel.

I should also like to thank you, Mr. President, for responding so rapidly to the request of the Arab Group to convene this emergency meeting of the Security Council, despite the fact that we are on the eve of a holiday. We commend you for your initiative. That request by the Arab Group was made in the light of the serious escalation of the violence by Israel in the past few hours. In fact, at 6 p.m. Palestine time, Israeli military helicopters, with the assistance of Israeli naval gunships, undertook intensive attacks against numerous targets in Gaza and other locations in the Gaza Strip.

The occupying Israeli forces launched over 50 rocket attacks against Palestinian Authority facilities and buildings, including a police station, a preventive security installation and Fatah movement buildings. In the wake of these attacks and raids, at least one Palestinian was killed, over 70 were injured and considerable material damage was done. But after these attacks — and this is of paramount importance — a state of general panic swept through Gaza's entire population of over 1 million people. There is a threat that this serious escalation in the situation will spread to the entire Middle East region, leading to a situation of unprecedented gravity that might have unknown disastrous consequences.

Since 29 September — one day after the unfortunate visit of Ariel Sharon to Al-Haram Al-Sharif on 28 September — we have sent 14 official letters to the Security Council. In that official correspondence we transmitted, inter alia, the names of the Palestinian martyrs; today their number exceeds 225. We also detailed examples of Israeli conduct, how they have been using their enormous war machine in an excessive, disproportionate and indiscriminate use of force, often without justification. We communicated to the Council numerous instances of deliberate murder, either by sniper fire or as a result of the use of other weapons, including heavy weapons such as tanks and other military equipment. We indicated how seriously such deliberate actions have affected so many people. More than 10,000 people have been injured, including 2,000 injuries caused by live ammunitions. Many of those injured will be disabled for life, and one third of the casualties are children under the age of 18.

We also communicated details of the massive destruction that occurred in the bloody attack by the occupying Israeli Power — the destruction of houses, factories and plants — intended to make the land arid and render it unproductive. The movement of people and goods has been prohibited, which has had a deleterious effect on the already weak Palestinian economy.

All of these actions constitute a series of grave violations and breaches of the Fourth Geneva Convention of 1949. Many actions, such as those that I have cited, constitute war crimes under the terms of that Convention. They also represent a grave breach of United Nations resolutions, including the resolutions of this Council.

All of these events have been accompanied by a stalemate in the peace process — a stalemate imposed by Israel when its leaders proudly announced that they have called a time-out in the peace process, as though it were a basketball game.

All of this action has been accompanied by reproaches directed against the Palestinian Authority. The reality is that Israeli policies and practices stem from the presence of Israeli occupiers and the policy of settlement — a policy that has continued even after the beginning of the peace process. The Israelis reproaches demonstrate that their position is clearly racist. How can they accuse the Palestinian people of putting their children in front of murderous Israeli forces? Such an accusation actually carries a clearly racist message. At the same time, Israel has tried to back out of the Sharm el-Sheikh agreement and has engaged in obstructionist actions with regard to the fact-finding committee. That committee was set up with great expectations, but it has been unable to achieve anything. The reason, as the Council has learned and as the press reported this morning, are the obstructionist tactics of Israel. At least one press agency has reported that the Israeli Ministry of Foreign Affairs had sent a letter to the United States Department of State indicating that the time was not yet right for this committee to undertake its work. Yet the committee was announced by President Clinton in accordance with the terms of the Sharm el-Sheikh agreement. However, in the view of the occupying Power, the committee is now undesirable.

What, then, is the bottom line? What has been the consequence of this Israeli campaign that was unleashed on 28 September, and the attack on the first Kiblah — the third-holiest site — in occupied East Jerusalem? The consequence was a vast number of victims and martyrs, and massive destruction. Another consequence was the considerable harm done to the Middle East peace process. The third consequence was the creation of great tensions in the region. The fourth consequence was that the region today, in its entirety, may experience further clashes and confrontations.

Now the question that should be asked in the face of this very serious reality is "How can we put an end to this situation?" The responsibility of the Security Council is consistent and clear in this regard, in accordance with the Charter of the United Nations. First, specific, concrete measures need to be taken to put an end to this deadly, bloody Israeli campaign being waged against the Palestinian people and

Palestinian civilians. Secondly, the Security Council must provide the necessary international protection for Palestinian civilians under Israeli occupation.

Let us be frank with one another. The parties, after all that has happened, cannot themselves alone put an end to this situation. They need the assistance of a third party. We absolutely fail to understand why anyone is objecting to this, and why there is procrastination. Is it emanating from the permanent members or other members of the Security Council, or is it coming from outside the Council?

Since 25 October, almost a month ago, we have been requesting that a United Nations observer force be established. President Yasser Arafat personally participated in a meeting with the Council, and we would like to thank the Council for giving us the opportunity of that special meeting with our President. He explained to the Council all the details of the Palestinian point of view. He requested 2,000 military observers, who would be equipped with light weapons. Why 2,000? Because our estimates regarding the practical requirements on the ground indicate that such a number would be appropriate. This observer force would have to act under the United Nations emblem and auspices and under its supervision. The observers would not be deployed to fixed locations or constant lines, so it is clear that the only objective is to ensure the safety and security of Palestinian civilians.

We took the necessary time to deal with all the constructive proposals, particularly the ideas of France, that were presented on this subject. We tried to take these proposals and ideas into consideration when we finalized our specific proposals.

As for the approval of Israel, we would stress once again that approval by Israel, as an occupying Power, cannot be a prerequisite for the Security Council's enacting the necessary measures. The Council is not dealing here with a domestic situation of one of its Member States; it is dealing with the only United Nations Member State — I repeat, the only United Nations Member State — that the Security Council, in the 25 resolutions it has adopted regarding the region, recognizes as an occupying Power. I repeat: 25 resolutions. This is the only case of its kind.

So we have said that Israel's approval is not a prerequisite for the Security Council measures to be enacted. We think that practical cooperation with Israel is a must for implementation of any resolution the Council may adopt. This conclusion stems from th legal obligation of Member States. This is one of th obligations incumbent on Israel, as a United Nation Member State, under the Charter of the United Nations We have also said that we are all duty-bound — al of us, members or non-members of the Securit Council — to ensure this practical and pragmati cooperation.

Last Friday this Council agreed to entrust th Secretary-General with conducting the necessar consultations on this issue. We commended thi initiative; we responded favourably to the Secretary General's efforts; and we have every intention o continuing to respond favourably to his efforts.

Further, we would say that time is short; indeed i is running out. The toll of casualties is increasing. Th destruction is becoming more serious. Things ar growing more complicated. All this warrants urgen action in adopting the necessary resolution.

In full frankness and candour we urge the Counci to take the necessary measures at the beginning of nex week, so that only one month will have elapsed sinc our first initiative, and so that this action will hav legitimacy in the eyes of the people who are endurin the occupation. It seem legitimate and just for th Council to act in its official capacity by adopting or no adopting the draft resolution before it.

For some time we and the whole world wer awaiting the triumph of the peace process. We wer awaiting the admission of Palestine as a United Nation Member State. Personally, I was expecting to be able t work in a different environment and situation than th one I now find myself in. But, unfortunately, th occupying Power does not even wish to accep anything as fundamental, elementary and self-evide as the fact that the problem resides in occupation itself If the occupying force were prepared to put an end t this occupation then all the disasters would disappear all the ills that our people are experiencing would com to an end and the region would be rid of thes problems.

Why the clashes? Why all the warfare? Why th accusations? The end of the occupation would lead t an immediate end to all these problems. There is th main reason for our misfortune, and therein lies th remedy to it. One does not need to be a genius to com up with this remedy. This has been the fate of al peoples struggling for self-determination, freedom an

independence. Any situation in which there is suffering can be remedied in this manner, and thus we can avoid additional problems and bloodshed.

Let me once again thank you, Sir, for having convened this meeting and for having paid such close attention to what I have been saying.

The President: The next speaker inscribed on my list is the representative of Israel, to whom I give the floor.

Mr. Lancry (Israel): Once again, the Security Council is meeting to consider the grave escalation of violence in Israel and the Palestinian territories. Since the last meeting of the Council on this issue, the situation has, to the great consternation of most parties, continued to deteriorate. Points of friction that had previously been localized and contained in certain areas have spread, engulfing the streets of Jerusalem and other Israeli towns and cities. In the last three days alone, two separate bombings have claimed the lives of innocent, unarmed Israeli civilians. In an unimaginably horrific attack in Kfar Darom, terrorists targeted innocent children, whose only crime was in attempting to reach their classroom.

Just a few hours ago, a car bomb exploded on a crowded street in the Israeli city of Hadera at the height of the rush-hour commute. Three Israeli citizens were killed, and 41 were injured. Once again, we are witness to the inhuman practice of terrorism, to the senseless death of innocent men, women and children, that does not advance the Palestinian cause.

Unfortunately, terrorism is not something foreign to Israelis, and we have had several reminders in the past few days of its tragic consequences. It must be made clear that today's tragedy is a direct result of the release of terrorist prisoners from Palestinian Authority jails. It is not the first time that the Palestinian leadership has given freedom of movement to terrorists and then claimed not to be responsible for their acts.

In this regard, I would like to recall the words of Chairman Arafat, who, in a letter to the late Prime Minister Rabin, expressly stated his commitment to the peace process and the path of negotiated compromise. These words stand in such stark contrast to the words and action of the Palestinian leadership in the past few weeks that they bear repeating:

> "The PLO commits itself to the Middle East peace process and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations."

He further committed himself to restrain terrorist elements from all factions. At that time, Mr. Arafat was committing himself on behalf of all the Palestinian people in order to ensure a calm environment conducive to negotiations.

Indeed, the current unrest and the deplorable response of the Palestinian leadership give rise to serious doubts on whether the Palestinians are intent on maintaining that fundamental commitment made in September 1993. Yet, despite these acts and numerous others which have transpired over the last several weeks, no United Nations body — not the General Assembly meeting in an emergency session; nor the Economic and Social Council, which this morning passed a biased and one-sided resolution condemning Israel; nor the Security Council — has spoken one word of condemnation of the Palestinians.

Perhaps now the international community will take notice of the fact that Israeli lives are, as they have been for nearly two months, continuously in peril. Perhaps now the world is capable of understanding that, while Palestinian lives are endangered only when they violently attack Israeli soldiers, Israelis are targeted for the simple fact that they are Israeli.

By failing to speak any words of condemnation of the Palestinians, the international community has basically lent its approval to the unspeakable acts of the Palestinians – the lynching of two Israeli soldiers in Ramallah, the desecration of sacred Jewish holy sites in Nablus, the attacks on innocent children in Kfar Darom and Hadera and the continuous incitement in the official media. This failure will only further encourage them to continue along this violent route. I cannot stress this point enough.

Palestinians are sustaining injuries as a direct result of their own violent provocations. Palestinians are sustaining injuries when they confront Israeli soldiers and civilians with machine guns, firebombs and other explosive devices. Palestinians are sustaining injuries when, at the behest of their leaders, they brutally attack and terrorize innocent civilians.

The same is not true of casualties on the Israeli side. Israeli civilians have been attacked as they travel on roads, shop for groceries in the marketplace and sit

peacefully in their homes. The Jerusalem neighbourhood of Gilo has continuously come under fire from snipers in nearby Palestinian villages, resulting in a number of injuries. A car bomb exploded last week in the crowded Jerusalem market of Mahani Yehuda, killing two Israeli civilians. On Monday, Israeli schoolchildren were deliberately targeted by the Tanzim, the paramilitary group that is an arm of Chairman Arafat's own Fatah faction, killing two civilians and critically wounding several others. A day later, an 18-year old Israeli, Itamar Yefet, was murdered by a Palestinian sniper. None of these individuals, least of all the children who were attacked have sought involvement in the current crisis. Nevertheless, the Palestinians consider them legitimate targets, due merely to their nationality.

The dichotomy extends to the political level as well. Through all the recent violence, Israel has tried to exert the maximum possible restraint and to minimize casualties to the greatest extent possible. We have expressed our deepest sorrow at the loss of life sustained by both sides. The Prime Minister and Foreign Minister of Israel and their spokespeople have regularly called upon Chairman Arafat to restrain his people and to return to the path of peaceful negotiations.

In contrast, Palestinian leaders have called, and continue to call, for an escalation of the conflict. The attempt to assert the moral equivalence of soldiers' defending themselves against mobs of Palestinians calling for their blood, and Palestinians carrying out terrorist attacks against civilians in the heart of the Israeli cities, is nothing less than depraved. Yet, there is no international outcry. There is no call for a commission of inquiry to investigate Palestinian wrongdoing. There are no resolutions passed in condemnation of Palestinian violations. There is not even a clear call for the Palestinians to relinquish the path of violence and return to the only legitimate mechanism for addressing their grievances — through peaceful, bilateral negotiations. The only words of outrage and condemnation that the international community can muster are directed solely at Israel.

I should like to remind the members of the Council of the statement of the Secretary-General, who, after visiting the region and conducting extensive meetings with both sides, cautioned the members of the international community to weigh their words carefully. I submit to you, Mr. President, that the United Nations official language that has been used until now has not heeded this warning. I sincerely hope that the same will not hold true today.

The attempt by the Palestinians to give this armed intifada the veneer of a legitimate struggle, as though it were their only means of achieving their objectives, is a gross misrepresentation of reality. The Oslo peace process has provided a viable mechanism for the Palestinians to realize their goal of self-determination. The face-to-face negotiations conducted within that framework have yielded several key peace agreements and have created a situation in which 98 per cent of Palestinians in the West Bank and Gaza live under Palestinian rule. Moreover, the Oslo process has the potential to end the conflict once and for all, meet the needs of both sides and prevent further bloodshed.

Chairman Arafat, however, has been unwilling to embrace the reality of peace and recognize that the conflict is over and that the only path to peace and security is through negotiation and compromise. He knows full well that an honourable and just peace was within reach at Camp David, and yet, instead of seizing the moment, he chose to turn his back.

In calling for the deployment of a United Nations protection force, the Palestinians are seeking to depart from the bilateral track which was mandated by the Oslo agreement and to pursue their goals unilaterally. In fact, Chairman Arafat has first and foremost to protect himself from his own destructive initiative, the independence intifada, which is the source of all the suffering that has transpired in recent weeks. As I have said before, an international force, whether of peacekeepers or of observers, is not needed to stop the violence, nor is it clear that such a force would even be successful.

There is, however, a clear and direct way to end the bloodshed. The international community must call upon the Palestinian leadership to exert every effort to stop the violence, the rioting, the use of live ammunition, the use of machine guns, the sending of children to the front lines of rioting crowds and the use of terror against civilians. This ability is well within their power, and I would urge the members of the Council to call upon Chairman Arafat to see that this is done.

We still expect that the Palestinian leadership will fulfil its basic commitment, as expressed in Chairman Arafat's letter to Prime Minister Rabin and in

subsequent agreements. I must emphasize that Chairman Arafat spoke on behalf of all Palestinian people, and that he cannot depart from this responsibility. We can no longer accept the reprehensible division of labour between the Palestinian Authority on the one hand and Hamas and the Islamic Jihad on the other.

Chairman Arafat, as the unchallenged leader of the Palestinian people, has to assume, not only the glory of that office but also, sometimes, the misery of the task. Regardless of the current situation, Israel's ultimate objective will always be to secure a lasting and comprehensive peace with the Palestinians and with all our neighbours. We will continue to strive towards that goal, notwithstanding the numerous obstacles that imperil that lofty objective.

We believe that the Security Council, as the organ with primary responsibility for the maintenance of international peace and security, is duty-bound to encourage the parties to return to the path of bilateral negotiation and compromise. The Council must call upon the Palestinians to adhere to the commitments they have undertaken to renew security cooperation with Israel and to call, in clear and unequivocal terms, for an end to the violence and a return to the negotiating table.

Were the Palestinians to take these actions, I can assure the Council that the bloodshed would end immediately. That is, by the way, my answer to the question raised by the Permanent Observer of Palestine, Mr. Nasser Al-Kidwa, who asked, "How can we put an end to this situation?" It may sound unrealistic, but it is that simple. If Chairman Arafat wills it, it is not a dream.

Mr. Holbrooke (United States of America): I thank Ambassador Lancry and Ambassador Al-Kidwa for their statements today.

For over 50 years, this great historic institution, the Security Council, has been the site of many important debates on the Middle East. The history of the Middle East has been written not only in the region but in this Chamber, sometimes productively, sometimes less so. I do not feel that we are making a contribution to peace with the kind of discussion we are having here today, and I must say so quite frankly. I do not view this kind of meeting as responsive to the mandate of the Security Council to be a forum for conflict resolution. I believe that this is much more in the nature of a meeting designed to exchange verbal barbs which are best left to different forums, and I am saddened to see the Security Council, a historic organization with a historic role, diminished in this way. Nonetheless, we participate in this meeting, as we always do, because the United Nations is the central Organization of the world, and the Security Council is its most important organ.

The cycle of violence in the Middle East has tragically escalated again today with the bombing of another busload of Israeli citizens, this time in Israel itself, between Tel Aviv and Haifa. This morning in Gaza, a number of Palestinians were killed by the Israel Defence Forces (IDF) in circumstances that, in the words of Secretary Albright this morning in Washington, are still unclear.

We continue to believe that the parties must take action to end the violence, to maintain calm and to return to negotiations. This is the only viable path to peace, as Chairman Arafat and Prime Minister Barak have repeated time and time again.

At the start of this crisis, the Security Council met in extended sessions and called for an immediate end to the violence and a return to negotiations. Our Government disagreed with the one-sided tenor of that resolution and registered its disapproval by abstaining on resolution 1322 (2000). We did, however, certainly concur with those portions of the resolution that called for an end to violence and stated that that was of paramount importance in maintaining the peace process.

To that end, our valiant Secretary-General, Kofi Annan, President Clinton and other world leaders worked hard to bring the parties to Sharm el-Sheikh to reach agreement on ending the violence. In this regard, President Mubarak of Egypt played an especially important role.

Members of the Council called on the parties to implement the obligations they accepted at the Sharm el-Sheikh summit without delay to end the violence, to set up a fact-finding committee and to discuss how to best resume negotiations. There has been some progress in implementing Sharm el-Sheikh, and we must continue to urge follow-through by both parties on their commitments.

We have reported to the Council on our efforts, undertaken in consultation with the Secretary-General,

to establish the fact-finding committee agreed to at Sharm el-Sheikh, and we note with approval that Secretary-General Annan has already met with Senator Mitchell and plans to meet with the entire committee in the very near future.

In that meeting, Senator Mitchell outlined the committee's intended plan of action and the committee will gather here in New York this weekend to begin its work. The committee's mandate is to investigate the recent violence, with the objective of preventing its recurrence. I urge the Council and all United Nations Members to extend unambiguous support to this committee.

Today is a sad day as well for the United Nations. Instead of lending support for efforts undertaken at Sharm el-Sheikh by both parties, the United Nations has taken actions that undermine bilateral efforts at reaching peace. This morning, the Economic and Social Council narrowly endorsed a resolution condemning Israel and calling for the creation of a redundant inquiry commission and the dispatch of rapporteurs, who will contribute little to ending the violence that has gripped the region in the past two months. That measure was not necessary and it was supported by less than half the members of the Economic and Social Council. In fact, only 21 members of the Economic and Social Council voted for the resolution, out of a membership of 53, if I am not mistaken.

We have made clear our view in Geneva, in the General Assembly and in this Chamber that rhetoric and unbalanced criticism diminish the role of the United Nations and the United Nations opportunity to play a constructive role at conflict resolution. The Security Council will continue to follow events in the region closely and has already directed the Secretary-General to explore ways in which the United Nations could assist the parties.

Regarding the proposal for a United Nations observer or military presence, I repeat our position — and I cannot state this too clearly — that any proposal to introduce outside observers, peacekeepers or any other form of United Nations-sponsored presence in the region requires the agreement of the parties to the conflict. They are in this room here today; they have met; they know each other well; I believe they respect each other as diplomats. Let them work it out and let us, the Security Council, help them get there and then endorse it, rather than participate in attempts to impose something that is opposed by one side or the other.

Let me add also and be very clear, because several people have made the analogy to East Timor a year ago, that when we met on East Timor 14 months ago, we did not impose a solution on Indonesia. It was negotiated by the Security Council on behalf of the world community and accepted by the Indonesians. That is how we got there and Ambassador Andjaba deserves great credit for his role in that, as did his colleagues, many of whom are in this room. The analogy to East Timor is correct and that is the analogy we should follow, but let us not misapply it or misstate it.

We must stand ready to help the parties in the Middle East to implement the decisions they reached to restore calm and return to negotiations. Engaging in one-sided discussions is of no value and will aggravate rather than reduce the tensions in the Middle East.

In conclusion, allow me, on instructions, to quote briefly from Secretary Albright's press statements this morning in Washington:

> "Both Israelis and Palestinians need to accept the reality that there is no place for violence, incitement and economic pressure in a genuine search for Israel-Palestinian peace. Whatever their differences on permanent status issues, the only place for the parties to resolve them is around a negotiating table, not through unilateral actions designed to pressure, to intimidate and to create facts on the ground. There is no unilateral answer to this conflict and there is no way to reconcile violence with negotiations.
>
> "Clearly, both Israelis and Palestinians feel they are the aggrieved party and each feels the other has failed to live up to its commitments, but now is not the time for trading accusations. Now is the time for both to make good on commitments to take the practical steps agreed to and to work to repair the damage to a negotiating process and a partnership that still holds great potential and promise.
>
> "Fulfilling commitments and creating a structure of accountability is essential. In this regard, we" — that is, the United States — "will be talking to Prime Minister Barak and Chairman

> Arafat about creating a mechanism which will allow Israelis and Palestinians to carry out these commitments. The United States, for our part, will continue to help Israel and Palestine as they help themselves to turn the current situation around and to move forward to an Israeli-Palestinian agreement."

That is how Secretary Albright concluded. Once again, I would ask the people who care about peace not to begin the issue by calling for public meetings in the Security Council, but to end it with public meetings in the Security Council and to approach these issues in the spirit of quiet diplomacy which is going to be necessary to reduce the growing tension in the region.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): The Russian Federation is deeply alarmed by the further escalation of the Palestinian-Israeli confrontation. The growing wave of terrorist acts and retaliatory measures further destabilize the situation in the Middle East.

The leaders of Israel and the Palestinian Authority must do all they can without delay to stop the escalation of tensions and to prevent the situation from spinning definitively out of control. No reasons can justify the increased use of force that is claiming new victims among the Palestinian civilian population. At the same time, it is necessary to adopt strict measures to prevent the criminal acts by extremists to kill Israeli citizens.

We stress the need for a speedy start to the work of the fact-finding committee to establish the facts behind the tragedy and to support the efforts of the Secretary-General to that end. In the light of the continued deterioration of the situation, it is also essential to step up international assistance in the implementation of earlier agreements in order to break the chain reaction of violence. This will require coordinated steps on the part of the sponsors of the peace process and other interested parties.

Recognizing its responsibility for the fate of the Middle East settlement, Russia continues to strive energetically for a speedy settlement to the conflict, which is wreaking terrible harm on Palestinians and Israelis alike. These tasks are the subject of the ongoing concern of the President of Russia, Vladimir Putin, and Foreign Minister Ivanov, who are maintaining close contacts with the Secretary-General of the United Nations and their colleagues in the United States, the United Kingdom, France, Israel and the Palestinian leadership.

The Security Council and the Secretary-General must keep the situation in the West Bank and Gaza in sharp focus, particularly in the context of protecting the civilian population. They must seek truly to assist an end to the violence and the return of the parties to the negotiating table. At the same time, in seeking a rapid normalization of the situation, we must not lose sight of the need to resume the regional negotiating process. It is essential for lessons to be learned from current events and for effective measures to be adopted to consolidate the very architecture of the peace process in order to make it more stable and irreversible, given the close interrelationships between all the components of the Middle East knot.

The path to a comprehensive settlement lies through the implementation of Security Council resolutions 242 (1967) and 338 (1973) and the Madrid principles, the bases for achieving peace in the region.

Mr. Levitte (France) (*spoke in French*): The Security Council is meeting once again this evening to express the extreme concern of the entire international community at the unleashing of increasingly uncontrollable violence, which inexorably leads the Palestinian and Israeli peoples into a never-ending spiral of hatred, repression, vengeance and death.

Inexcusable acts of murderous violence, disproportionate repression, more and more victims – basically on the Palestinian side. Every day the escalation increases one more step. On behalf of France and on behalf of the entire European Union I wish to express condolences to the families of all the victims. I also wish forcefully to say that there is nothing inevitable about the continuation of this tragedy. It is possible to put an end to it. An end must be put to it.

On 20 November the 15 Ministers for Foreign Affairs of the European Union met and adopted a declaration the terms of which I wish to recall for the Council:

> "For weeks, every day has seen more deaths, Palestinian or Israeli. That is not tolerable. The European Union appeals to the sense of responsibility of both sides, urging them not to respond to provocation.
>
> "The lack of progress achieved in the peace process, including on the settlements' problem,

lies at the heart of the Palestinian people's frustration and of the violence.

"The European Union exhorts the Israeli and Palestinian leaders immediately to honour in full the commitments they made in Sharm el-Sheikh five weeks ago now and in Gaza on 2 November.

"It asks the Israeli authorities:

"to withdraw their armed forces to the positions they occupied prior to 28 September and to put an end to the restrictions imposed on the movement of people and goods in the Palestinian territories;

"to lift the financial sanctions imposed on the Palestinian Authority;

"in cases where the intervention of the security forces appears absolutely indispensable, to use only non-lethal methods, in accordance with the appeal issued by the United Nations Secretary-General.

"It asks the Palestinian Authority:

"to do its utmost to end the violence;

"to give strict instructions to the security forces in order to stop the attacks against the Israelis, in accordance with the announcement made by President Arafat.

"The European Union asks the fact-finding commission — created following the Sharm el-Sheikh summit, and in which the European Union is represented by Mr. Javier Solana — to begin its work on the ground as soon as possible.

"It supports the United Nations Secretary-General's endeavours to explore with the parties, the terms and conditions of the deployment of an observer mission, in accordance with the mandate given by the Security Council.

"It continues to support President Clinton's efforts and personal commitment in the search for peace.

"The aim naturally remains the resumption of the dialogue and peace negotiations, the only way out of the current crisis. The protagonists know this. The top priority is the cessation of violence.

"The European Union is ready to contribute to this. It is ready to shoulder its responsibilities."

I should like, following this quotation from the declaration by the European Union, to emphasize, once again, something that is clear — that there is no alternative to the quest for peace. Violence must come to an end and the peace negotiations must resume on the basis of resolutions 242 (1967) and 338 (1973), as well as the Oslo Accords.

The Security Council can play a useful role with the consent of the parties to contribute to the search for peace. The Secretary-General, last Friday, received from the Council a mandate to consult with the parties on the possibilities for, and the acceptable modalities for, an observer mission of the United Nations. It is our fervent hope that an agreement can rapidly be reached.

The events in recent days show that this is both necessary and urgent.

Mr. Ouane (Mali) *(spoke in French)*: Mali associates itself fully with the statement which will shortly be made by South Africa on behalf of the Movement of the Non-Aligned. I should also like, in my capacity as Coordinator of the Non-Aligned Caucus in the Security Council for November to associate the other members of the Caucus with that statement.

Nevertheless I wish here, in my national capacity, to make a few brief comments. First, to recall the constant position of Mali in favour of a just and lasting settlement of the Israeli/Palestinian conflict. In that respect, we firmly condemn the violence of the last week which led to numerous casualties in the civilian population, in particular, the Palestinian population. We deplore the escalation of this violence and its growing socio-economic repercussions. We would urge the parties to show greater restraint in order to restore calm and promote the resumption of dialogue.

And secondly, Mali fully supports the efforts of the Secretary-General, particularly the four priority objectives that he defined at the Security Council meeting on 17 November.

Also, the agreements of Sharm el-Sheikh offered some promise for the peace process, which is why we would urge the parties to implement those accords strictly.

Mali welcomes the talks in Washington and all efforts to achieve peace.

My third comment relates to the dispatching of observers to the field. This is a positive measure that could usefully contribute to the cessation of violence. The Council should attribute to it the highest priority. This is a requirement of the international community and the Organization's credibility is at stake.

Mr. Chowdhury (Bangladesh): Violence, violence and more violence. This is the only news we are getting out of the Middle East for nearly two months. Given the alarming deteriorating situation in the area, this meeting could not have been more timely.

Permit me at this point to offer my delegation's sincere thanks to you, Mr. President, for convening this open meeting of the Council on the situation in the Middle East, including the Palestinian question. We offer our sincere condolences to the families of all victims of recent violence in the region.

At the outset, allow me to reiterate Bangladesh's total and unwavering support for the legitimate and inalienable rights of the Palestinian people for a sovereign and independent homeland of their own. We believe that a just, lasting and honourable resolution of the whole Arab-Israeli conflict can be achieved through the implementation of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978).

I would like to express my delegation's deep concern and anxiety about the volatile situation in the Middle East caused by continuing violence, by heavy loss of life among innocent civilians and by Israel's continued use of excessive force and acts of provocation against the Palestinian people in the occupied territories. We condemn such provocation in the strongest terms.

The latest Israeli missile attack does not stand up to any logic. The bombing of a school bus, which claimed two civilian lives and injured schoolchildren, was a cowardly act of terrorism, and we condemn it. This afternoon's news of further violence is, again, very disturbing. Resorting to force and violence has only served to deal a mortal blow to the peace process.

It is sad that the Middle East situation had to deteriorate so fast, particularly when it seemed that the peace process was about to make a breakthrough. We would like to commend the Palestinian leadership for its commitment to reaching a peaceful solution to the Middle East issue. Reaching an agreement at Sharm el-Sheikh, against all odds, was eloquent testimony to the Palestinian leadership's commitment to peace.

Here, my delegation would like also to express its deep appreciation for the continuing efforts of the Secretary-General to contribute to a lasting solution of the Palestinian issue, including his present involvement in the dispatch of a fact-finding mission to the area. We believe that subsequent deployment of international monitors would help ease the situation in a big way.

Bangladesh has lent its support to the Middle East peace process from the very beginning. We have not lost trust in its ultimate success. We urge the Palestinians and the Israelis to make their best endeavour to put an end to the violence which has vitiated the atmosphere in the region. Bangladesh strongly believes that, once violence is shunned and once dialogue begins, the peace process can indeed be revived.

Mr. Wang Yingfan (China) *(spoke in Chinese)*: The past few days have seen a drastic escalation and broadening of the Palestinian-Israeli conflict. There has been a large increase in the number of casualties on both sides, including many innocent children. Casualties on the Palestinian side have been more serious, the economy of Palestine has experienced a serious setback, and the suffering of the civilian population has intensified.

China is opposed to violence in any form. All along, we have called on both sides to exercise restraint and to take all necessary measures to prevent the situation from deteriorating further. In the current circumstances, we urge the Israeli side in particular to exercise restraint. The use of excessive force can only result in a vicious cycle of uncontrollable violence and conflict, thus making the prospect of reviving the Middle East peace process even more remote. This is a very dangerous moment for the entire situation in the Middle East. We are convinced that peace remains the option for all parties: it is the only option.

In accordance with his mandate from the Security Council, the Secretary-General, Mr. Kofi Annan, is engaged in mediation and consultation among the parties concerned. China supports the Secretary-General's efforts. We call on all parties concerned, especially the Israeli side, to cooperate actively with the Secretary-General, and we support the early start of work by the international fact-finding committee. We should give serious consideration to the proposed

deployment of international observers in the area of conflict in order to create favourable conditions for easing the situation and for a resumption of peace talks.

Sir Jeremy Greenstock (United Kingdom): The United Kingdom welcomes this opportunity to discuss the increasingly serious situation in the West Bank and Gaza. We fully associate ourselves with the European Union declaration, which Ambassador Levitte has just quoted and which was agreed by European Union foreign ministers on 20 November.

We urge both the Israeli Government and the Palestinian Authority to implement the understandings that were agreed at Sharm el-Sheikh and those that were agreed subsequently, and to take immediate steps to bring an end to the violence. We condemn all violence. It was a cowardly act to bomb the school bus in Gaza on 20 November. But the kind of excessive retaliatory action which we have seen in recent days and weeks cannot be justified and cannot be in the interest of peace and of the resumption of negotiations. Violence followed by retaliation followed by more violence, as we have seen in today's shameful bomb, is a dead end. It leads nowhere.

We need to see an early return to diplomacy, and we therefore welcome the first meeting of the fact-finding committee, which will take place over the coming weekend; we hope that the work of the committee will proceed expeditiously. We also welcome and support the efforts of the Secretary-General and of others to find a mutually acceptable basis on which to allow international observers into the West Bank and Gaza. We continue to believe that neutral observers, with the agreement and cooperation of both parties, could play a constructive role in ending the violence.

There was nothing in the statements we heard from Palestine and Israel this afternoon to indicate that the parties themselves will be able to bring violence to an end without outside help.

The Security Council has an essential role to play and should continue to keep the situation under close observation.

Ms. Durrant (Jamaica): My delegation wishes to thank you, Mr. President, for convening this open meeting to discuss the situation in the Middle East, including the Palestinian question.

On 7 October, the Security Council adopted resolution 1322 (2000), which called for the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process. Since then, the Security Council has had the opportunity to be briefed in private meetings with the President of the Palestinian Authority, with the Permanent Representative of Israel and with the Secretary-General.

Today's meeting is a signal of the depth of our concern at the deteriorating situation, which now poses a threat to the stability of the region. We are concerned at the almost daily loss of life, in many cases resulting from the use of excessive force; nearly 300 persons, many of them Palestinians, have lost their lives, and more than 6,000 civilians have been injured. Jamaica deplores the deaths and injuries among civilians including innocent children, whether Palestinian or Israeli, and we convey our sympathy and condolences to the bereaved families.

The suffering of the people has been further aggravated by the serious humanitarian and economic situation in the Palestinian territories and by the plight of vulnerable civilians, despite the strenuous diplomatic efforts of the Secretary-General and of the leaders of several countries — particularly the Presidents of Egypt and of the United States of America — to bring peace to the region. We urge the parties to adhere to the ceasefire agreement reached at Sharm el-Sheikh and to refrain from retaliatory action. The establishment of a fact-finding mission to inquire into the tragic events is an important part of that process. We urge that its work begin forthwith.

A proposal has been made for the deployment of a United Nations observer mission. We continue to believe that this proposal, as well as others that could deter further violence and act as confidence-building measures and promote dialogue between the parties, deserves the serious consideration of all concerned.

Jamaica continues to encourage an end to the Palestinian-Israeli conflict through an active negotiating process that takes into account the right to security of all States in the region, including Israel, as well as the inalienable rights of the Palestinian people.

Bearing in mind the responsibility of the Security Council for the maintenance of peace and security, it is important for the Council to remain actively seized of this matter, to continue to support the diplomatic initiatives of the Secretary-General, and to continue to work to bring about a lasting and comprehensive peace within the framework of Security Council resolutions 242 (1967) and 338 (1973).

Mr. Ben Mustapha (Tunisia) (*spoke in Arabic*): We would like to express our deepest gratitude to you, Mr. President, for having responded so promptly to the request to convene this urgent public meeting to discuss the grave and deteriorating situation in the occupied Palestinian territories.

The Security Council is meeting formally for the third time in a month and a half to consider the situation in the occupied Palestinian territories. The holding of that many formal meetings in such a brief period, in addition to the many consultations that have been taking place on this question and the resumed emergency special session of the General Assembly, illustrate the gravity and deterioration of the situation in the occupied Arab territories, including Jerusalem — a deterioration that has been taking place since last September and that was eloquently described by the Secretary-General after his visit to the region.

In order to confront that explosive situation, the Security Council adopted resolution 1322 (2000) and appealed to Israel, as the occupying Power, to avoid any escalation. Unfortunately, the situation continues to worsen further, due to Israel's decision to resort to the policy of excessive force and vengeance — without taking into account the grave consequences of its actions — in order to impose its will and to create a fait accompli — in other words, more occupation. Even though there is evidence of relative calm after Chairman Arafat's efforts, the forces of the Israeli occupation have once again resorted to the excessive use of force against Palestinian civilians and the posts and symbols attesting to the existence of the Palestinian Authority. The most recent reaction of the occupying forces was to bomb Gaza intensively using all sorts of weaponry, including air, land and sea forces.

My country, which is actively and sincerely taking part in the peace process, profoundly regrets this grave and sad evolution of the situation. We express our profound concern at the intensification and escalation of violence carried out by Israeli forces that has daily produced a growing number of victims and brought harm to the Palestinian population. Tunisia vehemently condemns these repeated acts of aggression, which violate the most fundamental rights of human beings, namely, the rights to life and dignity. In addition, those actions also pose a threat to the peace process.

Tunisia appeals to the two co-sponsors of the peace process and to the international community as a whole to assume their responsibilities in the face of this dangerous situation that threatens international peace and security. We call on Israel to quickly assume its responsibilities under Security Council resolutions — the most recent of which is resolution 1322 (2000) — and the Fourth Geneva Convention and other international instruments. We further call on Israel to renounce the policy of force, which will solve nothing, and to act in a way consistent with international law and agreements.

We heard Ambassador Holbrooke describe the background of this conflict and the Council's reaction to it over the course of 50 years. It has been said that we are moving back to the time when the Council created two separate entities. But we must ask: what of the future form of the Palestinian State we are discussing today? Is this a question of an autonomous entity? Where is that Palestinian State we created? We must base our discussions on reality, not on delusions and distortion of facts.

The representative of Israel spoke of Israeli forces being attacked. Well, where are those forces? Are they inside Israel? Our countries know the meaning of occupation. Is resistance to occupation an act of aggression? When violence comes from official authorities, it can only engender more violence. Peace can only be established in an atmosphere conducive to peace. There is no other option open to the parties but the choice of peace and a return to the negotiating table. That is why we repeat once again today our sincere appeal to Israel to end its acts of repression. Many people have experienced such occupation. We know the consequences of such a policy. We call on Israel to take measures to return normalcy to the region and to create a climate conducive to the gradual establishment of confidence, a requirement for the continuation of peace negotiations.

In the same vein, like the majority of members of the Council, we believe the time has come for the Council to act in this critical situation by taking the necessary measures to create a protection force for Palestinian civilians — something that has been called for by Palestinians themselves, as well as by many in the international community. We hope the Secretary-General will continue his mission so that the Council may continue to give life to this legitimate project to protect civilian Palestinians under occupation.

The situation confronting Palestine is a grave one, and it poses inherent threats to the peace efforts in the region and to the peace and security of the region in general. This situation must not continue. It must not be accepted as a fait accompli and as part of the daily lives of the people of the region, where there have been so many victims. The rights of the Palestinian people must be protected. They must be able to create their State, with Al-Quds Al-Sharif as its capital. Based on these views, we believe it is up to the Security Council and all parties concerned to act rapidly so that the fact-finding committee can do its work to determine responsibility for the violence. More than ever before, this situation requires a sincere and serious approach by the international community, and especially the Security Council, for the dangers to the future of the region are incalculable.

It is time to reverse the situation. The priority of the international community is to protect the Palestinians and to put an end to the acts of violence, aggression and violations of international law. Israel's responsibility is clear. What it must do is clear. The international community, including this Council, have recalled this on many occasions. It can start by ending the violence and facilitating the work of the fact-finding committee. My country is among those that have always participated sincerely in the peace process. But this process can only succeed if it is based on international legitimacy and United Nations resolutions, and not on a faulty basis. This is the only way to bring about the success of the peace process, which, while being in the interest of all, is also in the interest of both Palestinians and Israelis and in the interest of peace and security in the Middle East.

Mrs. Ashipala-Musavyi (Namibia): The South African representative will soon make a statement in his capacity as the Chairman of the Coordinating Bureau of the Non-Aligned Movement (NAM), and my delegation would like to associate itself with that statement. We also support the statement made by the Coordinator of the NAM Caucus for the month of November, the delegation of Mali.

We thank you, Mr. President, for having called this timely meeting to deliberate on the situation in the Middle East, including the Palestinian question. Before my brief remarks, let me express my delegation's condolences to all the bereaved families and to take this opportunity to express our thanks and appreciation to the Arab countries and others outside the region who have taken into their care the injured Palestinians.

Recently we had the honour and privilege to listen to a briefing by President Arafat, a briefing that included, among other things, a request for the United Nations to deploy an observer force in the Palestinian occupied territories. As my delegation has stated on several occasions, we support that request, and we have also emphasized that it is a request that is in line with Security Council resolution 904, which was adopted on 18 March 1994 and called for the protection of the Palestinians. Therefore, we believe that we, as the Council, have a duty to follow through with the implementation of our resolutions.

The events occurring in the occupied Palestinian territories and in the region at large are cause for severe concern and warrant corresponding and urgent action by the Security Council. Time is of the essence, and in view of the ongoing inputs of the Secretary-General in the context of Security Council resolution 904 (1994), we believe that the deployment of the United Nations observers will save lives, calm emotions and pave the way for restoring the peace process. We must restore the peace process because in the end we have to deal with the fundamental problem that is the cause of all this, namely the occupation of Palestinian territories by Israel.

My delegation concurs with the Permanent Observer of Palestine that the parties need assistance, and that is, I believe, why we are here. We are here to help the parties make peace. In this context, we thank all those who have continued to contribute to the search for peace, but we believe that the time has come for the United Nations to become fully engaged.

Let me reiterate that a comprehensive settlement of the present conflict can only be achieved by granting the inalienable rights of the Palestinian people, including their right to self-determination. Full implementation of Security Council resolution

242 (1967) and resolution 338 (1973) are essential to a lasting solution to this conflict.

Mr. Listre (Argentina) (*spoke in Spanish*): Unfortunately, for some days we have been witnessing a marked deterioration in the Middle East with a heightening of confrontation and increased loss of human lives. I wish to express the sorrow and concern of Argentina at the tragic events that continue to occur in Gaza, the West Bank and Israel. I also wish to convey my Government's condolences to the families of the victims of the recent wave of violence.

The concern and alarm on the part of Argentina are increased by the acts of terrorism that occurred yesterday and today, acts of which Israeli children and the peaceful population were innocent victims in a marketplace in a situation that cannot be described as provocative. We ask the parties to expressly condemn those acts. We ask the parties to condemn those acts of terrorism with the same conviction with which we condemned Israel for the excessive use of force and with the same conviction that we asked for the implementation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

We believe that the current delicate situation in the Middle East requires that all the parties act with the utmost responsibility and self-control. Violence can only engender more violence. Israel and the Palestinian Authority must persevere in the implementation of the agreements reached at the Sharm el-Sheikh summit. The international community must do everything in its power to help the parties put an end to the violence.

We support the immediate deployment and immediate action on the part of the fact-finding committee presided over by Senator Mitchell, and we believe that the earlier it begins its work, the more positive the impact it will have in bringing about peace in the region.

In this context, we also want to express Argentina's full support for the work being carried out by the Secretary-General, to whom this Council gave a clear and broad mandate last Friday to explore with the parties concrete measures to put an end to the violence. Although the short-term objective is to put an end to the violence, we cannot lose sight of the fact that the ultimate objective is the resumption of the peace negotiations and a definitive resolution of the question of Palestine on the basis of the relevant Security Council resolutions and agreements between the parties.

Mr. Kuchynski (Ukraine): Ukraine remains deeply concerned over the further deterioration of the situation in the Middle East. We are appalled by the daily news of new casualties among the innocent civilian population. My country was shocked by the latest massive rocket attack by Israel, which used heavy weaponry against Palestinian Authority facilities and other buildings in Gaza and the West Bank. Ukraine condemns such acts of excessive and indiscriminate use of force, and urges Israel to stop them immediately and unconditionally. Everything should be done to ensure full respect by Israel for the Fourth Geneva Convention. We also call on the Palestinians to demonstrate restraint and refrain from any violent actions. We condemn all acts of violence and terrorism. We are convinced that there is no alternative to returning to the negotiating table and implementing the Sharm el-Sheikh summit understanding.

It is our conviction that the solution to the question of Palestine should be based on the full implementation of Security Council resolutions 242 (1967) and 338 (1973), as well as the Madrid Peace Conference formula and the Oslo accords. My country supports the constructive engagement of the Secretary-General in the current crisis and strongly encourages him to continue his efforts to try to find ways to stop the violence and bring the parties back to the negotiating table. We look forward to the early commencement of the activities of the fact-finding committee.

My country also welcomes the declaration of 20 November by the Foreign Ministers of the European Union. We share in the growing perception that the Security Council should take further measures to bring the situation to normalcy and ensure the implementation by the parties of resolution 1322 (2000).

My delegation is in agreement with the assessment that, given the further worsening of the situation, the presence of a third party, representing the international community, is critically important if we are to avert a large-scale war in the whole region. In our view, under current circumstances, the idea of deploying a United Nations observer mission, as proposed by France, is becoming increasingly topical.

Finally, my country, which continues to be involved in bilateral consultations on the issue with the parties concerned, stands ready to contribute further to efforts aimed at bringing the ongoing crisis in the Middle East to an end.

Mr. Misran (Malaysia): I, like other speakers before me, thank you most sincerely, Mr. President, for convening this meeting, and particularly for responding at very short notice to a request by a State Member of the United Nations for a meeting of the Council on the grave situation in Palestine. This augurs well for the credibility of the Council in the eyes of the larger membership of the United Nations.

We look forward to the statement which the representative of South Africa will make later on behalf of the Non-Aligned Movement.

The grave situation in occupied East Jerusalem and the rest of the occupied Palestinian territory must be addressed immediately by the international community, especially this Council. The spiral of violence that was triggered a few days ago must be stopped once and for all. The unleashing of the disproportionate response by the Israeli security forces on Gaza City and on the Palestinian people clearly signals the intent of the Israeli Government to wage a kind of war against Palestinian civilians.

Malaysia will continue to work with the other members of this Council to take immediate, concrete measures, including the immediate establishment of a United Nations observer force to ensure the safety and lives of innocent Palestinian civilians. We believe that a United Nations presence on the ground would be the best, speediest and most effective mechanism to help de-escalate the violence in the occupied Palestinian territory. Clearly, the present efforts to stop the violence, including those on the bilateral track, have not produced effective results so far.

This Council must carry out its solemn duty and act to protect civilians. We have repeatedly stated this fact in our previous resolutions and statements on the question of Palestine and the protection of civilians in armed conflict, and we must play our part to the fullest.

Last Friday we mandated the Secretary-General to explore the proposal to deploy a United Nations observer force to the region. But the Council cannot rest on its laurels; it must also give its full support to the establishment of the observer force. We must encourage and convince the parties concerned — those Council members that have great influence and leverage with the parties to the conflict could play a particular role in this regard — to accept such a United Nations presence on the ground.

I could not agree more with Ambassador Holbrooke that we need the consent of the host country when we deploy United Nations peace operations. He cited Indonesia in the case of East Timor and the visit of a mission to West Timor. But I wish only to tell Ambassador Holbrooke that the difference is that in the case of Palestine Israel is clearly the occupying Power — the only occupying Power in this modern era. Palestine is an occupied territory; that is a fact.

Of course, for practical reasons, we would need the cooperation of the Israeli Government to ensure the effective performance of a United Nations observer force on the ground. To this end, we call on Israel to give its full cooperation to the establishment of a United Nations observer force, if Israel is really serious in its intention to stop the violence and to restore calm and peace. After all, it would also be for the good of the people of Israel.

A just and lasting peace can be achieved only with the complete withdrawal of Israel's armed forces and illegal settlers from all Arab and Palestinian lands occupied since 1967, including the city of Al-Quds Al-Sharif and the occupied Syrian Golan. The people of Palestine have the inalienable right to establish an independent and sovereign State of their own, with Al-Quds Al-Sharif as its undisputed capital. To this end, Malaysia calls on Israel to comply with Security Council resolutions 242 (1967), 338 (1973) and 1322 (2000), and all other relevant resolutions.

For more than 50 years the question of the plight of the Palestinian people has been on the international agenda. The failure of the international community to redress the injustices committed against the Palestinian people will only prolong the instability and violence in the region. The Council must act now to stop the violence and to allow the peoples in region to live in an atmosphere of peace, harmony and progress.

Let us not forget that this Council has the primary responsibility for the maintenance of international peace and security. We must live up to our obligations. The Council's credibility is at stake. To date about 250 people have been killed, including women and children, mostly Palestinians, as a result of the

disproportionate and excessive use of force by Israeli security forces. Malaysia deeply mourns these tragic deaths and offers its deepest condolences to the bereaved families.

How many more deaths and injuries of innocent civilians, women and children, and how much more violence do we need to witness before the Council can act? Let us not repeat the mistakes that were made in the past in the case of the tragedies in Rwanda and Srebrenica because of the paralysis of this Council.

Mr. Heinbecker (Canada): Thank you, Sir, for providing this opportunity for the Security Council to discuss the very dangerous situation that prevails in the Middle East.

The Government of Canada is deeply concerned about the escalation in fighting between Israelis and Palestinians. We call on both sides to do their part to end the violence which has caused so many injuries and so much death.

The cycle of action and reaction — which has been so appallingly in evidence again today and in the past few days in Israel and the West Bank and Gaza, and which has exposed civilians, including children, to such terrible risk and harm — must be stopped. We offer our condolences to the families of the victims.

Each side has an obligation to protect civilians. This imperative cuts both ways: civilians must not be made targets, nor must civilians engage in hostilities and provoke, or expose themselves to, a forceful response.

I wish to be perfectly clear: we condemn all the violence. We hold both sides responsible for ending it. The Palestinian Authority must do everything in its power to prevent terrorist attacks from occurring. According to the draft resolution on terrorism adopted today by the Sixth Committee of the General Assembly, "all acts, methods and practices of terrorism" are "criminal and unjustifiable, wherever and by whomsoever committed". Canada condemns all such terrorist attacks, and we invite all parties wanting peace also to condemn such attacks.

For its part, the Government of Israel must do everything in its power to restrain its forces, to use proportionate force and to refrain from escalation.

Canada believes that the best chance for a de-escalation of the situation lies in the prompt implementation of the understandings reached at Sharm el-Sheikh. In that context, Canada expects that the fact-finding committee, as agreed to by Prime Minister Barak and Chairman Arafat at Sharm el-Sheikh, to be launched promptly and to carry out its crucial work in a timely fashion. We welcome the meetings planned for the next days and urge that the committee's work be facilitated.

Canada also supports the Council mandate given to the Secretary-General to explore options with the parties, including an observer presence, possibly building on the work of the fact-finding committee. It is in the interests of peace that the Secretary-General be given the full opportunity to explore these options and to pursue his contacts with the parties and others.

Canada would support any international effort, agreed to by both parties, that would help in easing tensions. Now is the time for the international community to come together in support of peace. If ever there were a time for diplomacy and dialogue, it is now.

The President: I will now make a statement in my capacity as the representative of the Netherlands.

My delegation associates itself with the statement of the European Union quoted earlier by the Permanent Representative of France. The Netherlands expresses its deep concern and intense sorrow about the latest escalation of violence which we are discussing today. We consider every life lost a tragedy. That is why we want to see an immediate end to the violence on both sides.

There can be no more palpable evidence of the senselessness of the cycle of violence gripping the region than the horrific bomb attack on innocent children in a school bus and the collective punishment for this act meted out against the Palestinian civilian population. We call upon both parties to show courage, not by fighting but by daring to break this vicious cycle.

The international community should not fuel the conflict by inflammatory statements or actions, but should help both sides achieve a just peace that brings real benefits to both peoples.

I acknowledge with appreciation all the compliments addressed to the Dutch presidency for having convened this meeting, but the Netherlands delegation insists that activities of this Council must

not be allowed to interfere with the work done in the context of Sharm el-Sheikh, both by the Secretary-General and by the fact-finding commission.

I now resume my function as President of the Council.

The next speaker is the representative of the Libyan Arab Jamahiriya. I invite him to take a seat at the Council table and to make his statement.

Mr. Dorda (Libyan Arab Jamahiriya) *(spoke in Arabic)*: I would like to extend to you, Sir, my thanks for having responded to the request that I addressed to you on behalf of the Arab Group to convene this meeting. And on behalf of the Arab Group let me say that the question of Palestine — I am not calling it the Middle East question because there is no Middle East question; there is no geography or history of the Middle East. This concept of course exists, but let someone tell me where the Middle East is. The Middle East is a creation designed to replace Palestine and to integrate the occupying State into the region. That is why I am here discussing the question of Palestine rather than the question of the Middle East. The Middle East does not exist in our minds either geographically or historically. The question of Palestine is a question of occupation.

Numerous people have come from various corners of the world to occupy Palestine. The land of Palestine is the land of all religions. It is a question of occupation and must be addressed as such: occupation.

We all are aware of the consecutive wars that have taken place. We all are aware of the political consequences of those wars. And we are all aware of the occupiers' claims that they want peace, not war. They said they were going to strive for the experience of peace, because they are the prophets of peace. The Arabs believe in peace, and the Arabs begin their greetings with a declaration of peace, as I have done at the beginning of my speech.

What is the result of this process, incorrectly labelled the "peace process"? There is a process — that is true — but there is no peace. Why? The negotiations, beginning in Madrid, continuing in Oslo, in Washington and Wye Plantation, in Sharm el-Sheikh and Camp David, as well as all the other venues — all those negotiations have remained a dead letter. From one instrument to another, from one convention to another, from one accord to another, there has been no implementation. This includes the Palestinian Authority; it has no authority. The events have demonstrated this in front of the entire world — the Palestinian Authority has no true authority over its land. Entries and exits from Gaza and the West Bank have been blocked and blockaded by those who actually possess the authority — that is, the occupying Power.

What have the Arab regimes that participated in the peace process ended up with? Three decades have elapsed since the inception of the process and no results whatsoever were achieved. The land of Palestine is still occupied. The Palestinian people are still outside of Palestine. The land has not been restored; refugees have not returned home; Palestinians residing in refugee camps continue to be refugees scattered throughout the world. What kind of peace can be established without restitution of the land? What sort of peace can be concluded without a return of Palestinians to their homes, their work, their schools and their land? Recent events have proven the social truth — that there is a Palestinian people that does reside in its land.

Moreover, what we are witnessing today is not peace but imposition of submission to the conditions dictated by the occupier. Even the Palestinian delegation at Camp David — according to a statement made by Mr. Zaanoun, the head of the Central Palestinian Council here in the United Nations, at a meeting of the Inter-Parliamentary Union (IPU) last September — was told by the American team: either you accept these conditions or there will be no recognition of you as a liberation movement. You will be treated as terrorists and we will break our relations with you. We will break off our assistance and our dialogue with you. What kind of peace is this when such conditions are imposed upon the Palestinians? How can it be considered a negotiating process or an equitable negotiation? Can such a process succeed? Can this kind of process lead to a truly peaceful outcome that would restore the rights, land and property, to the injured party?

Between the Israelis and the Arabs, there are those who are armed; these include nuclear armaments, surface-to-air missiles, anti-missile missiles and so forth. Certain parties are given technology, expertise and all kinds of financing — that is, one party, Israel. The other party is prevented, indeed prohibited, from even manufacturing the smallest light weapon, pistol or

rifle. Thus, if there is cooperation from other States in the creation of defensive disarmament, pressures are exerted on the other parties to cease cooperation with the Arab States. What can happen given such an equation? What is happening in the region is an attempt to impose capitulation — not peace. And, if there is such a peace, it cannot be a lasting one, because it is not based on justice, law and equality.

How many resolutions have been adopted by this Council? My brother, the representative of Palestine, has enumerated dozens of them. Pressure has been exerted by the United States not to implement these resolutions. The United States has supported the occupying Power. It is not something to be proud of when a State proffers such support. Why have the dozens of Security Council resolutions not been implemented and applied?

Recently, a Security Council meeting was convened in the wake of the deaths of three people in West Timor, and the representatives of all States stood up to observe a minute of silence or prayer. The Libyan Arab Jamahiriya is opposed to the killing of any human being, for whomever they may work. But why has no one done anything about the murder of hundreds of Palestinians? Where was the Council? Is there one kind of peace for some and another kind of peace for others? Are we talking of an international Security Council or a United States National Security Council? We know the answer. But who can pronounce this truth? Fear no one but God, the Almighty, the Creator.

More than 200 martyrs have fallen in Palestine because of the occupation, and no one in the United Nations has lifted a finger, including the Security Council. More than 10,000 people have been injured, maimed and have joined the ranks of the handicapped, as if they were not even human. Meanwhile, those who invoke the principles of human rights say nothing when they take the floor.

And yet, are human beings not the same all over the world? Where are the rights of the Palestinian people? The Economic and Social Council, despite all the pressures brought to bear by the United States delegation, has defended the rights of the Palestinian people. A member of the Economic and Social Council told me today that he was, to all intents and purposes, taken out of the room — abducted, in a sense, to prevent him from voting. So where are these human rights? This is happening today, right here in the United Nations.

There is no hope for peace for the Palestinian people, because they live under occupation. How can we talk about peace in the face of the violence that is taking place in the region and in a situation in which the occupier and the occupied are placed on an equal footing? What is the cause, and what is the effect? Is it the violence that is causing the occupation, or is it the occupation that is causing the violence?

Let us look at the causes. The real cause is occupation, and violence is the effect. To stop the violence is to stop the occupation. What the Palestinians want is their historical rights, which they are free to demand. But not even 20 per cent of their legitimate rights have been given them. Colonies of armed settlers surround their autonomous land and they are prevented from enjoying these rights. How can there be peace if their lands are not restored? Refugees cannot return home. Those Palestinians who are abroad will not come back. So what peace are we speaking of?

The Palestinian Authority has no authority in its own land. The children who are throwing stones were born after 1967, in occupied Palestine. If this is the case with this generation, what will happen to succeeding generations? This will become a cause embraced by all Arab peoples; the events that have occurred in Arab capitals are proof of this.

With respect to establishing relations with Israel, some Arab Governments have succumbed to pressure from the Arab people and have retreated from such relations. No people can accept capitulation. We are advocates of peace. The former United States Secretary of State, James Baker, said this in his book. Read it, and it will become clear. "I ask the Israelis what their positions are. I go to the Arabs and relay that information. Then I go back to the Israelis." This is not our testimony, but that of James Baker.

If the Council is to express, as it should, the will of the international community and if it is to maintain international peace and security, we would ask only one thing of it: that it be just and that it shoulder its responsibilities under the Charter of the United Nations and its own resolutions, as set forth in the relevant international instruments.

We are not asking for the impossible. We are asking for justice, for our rights, for law.

On behalf of the Arab Group, we ask the following: first, that an international observer force be sent to protect the Palestinian people in the occupied territories; secondly, that a fact-finding mission be sent to inquire into all the acts of violence perpetrated against the Palestinian people, and that the conclusions it reaches be submitted to the International Criminal Court; and thirdly, that the relevant Security Council resolutions be implemented. The Arab Group may be obliged to revisit the question in coming days, with a view to seeing what the Council will do.

Mr. President, I hope that you can take this request into account.

The President: The next speaker inscribed on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

Mr. Vermeulen (South Africa): First of all, I offer my apologies, as Ambassador Kumalo could, unfortunately, not be here this afternoon.

Mr. President, we would like to thank you, on behalf of the Non-Aligned Movement, for calling this very timely meeting. At the outset, we would like to extend our condolences to all the bereaved families who are suffering as a result of the violence in the Middle East.

The Non-Aligned Movement comes before this meeting today and wishes to repeat its call on Israel to stop subjecting the Palestinian civilians to collective punishment. This is in violation of the Fourth Geneva Convention of 1949. We reiterate our call on Israel to act with restraint and to meticulously abide by its legal obligations with respect to the Fourth Geneva Convention.

Just over than a month ago, this body met in emergency session, in accordance with its mandate as the custodian of international peace and security, and adopted resolution 1322 (2000). The resolution called for the establishment of an international inquiry into the conflict. The Non-Aligned Movement believes that the full and expeditious implementation of Security Council resolution 1322 (2000) would go a long way towards proving that the Council is prepared to take decisive action in the maintenance of international peace and security. It is time to seriously consider protecting the Palestinian people.

The Non-Aligned Movement firmly believes that it remains the permanent responsibility of the United Nations to stay fully engaged in the Palestinian question until a definitive solution is achieved. In this regard, we welcome and fully support the important role of the Secretary-General in the pursuit of peace at the Sharm el-Sheikh summit and his efforts in the recent dialogue with both the Israelis and Palestinians. This serves to reaffirm the primacy of the United Nations in global peace and security. We appeal to both parties to respond constructively.

It is incumbent upon the United Nations to adopt measures to protect the Palestinian people and to ensure that actions which exacerbate their suffering not be allowed to continue. The international community has an obligation to this end. We call on the Council to seriously consider the immediate deployment of a protection force to the region.

The question of Palestine constitutes the nucleus of the Middle East conflict. The achievement of the inalienable right of the Palestinian people to self-determination and to an independent State, with East Jerusalem as its capital, is pivotal to the achievement of a sustained and comprehensive peace in the Middle East.

The Movement believes that peaceful negotiation is the only means of ensuring lasting peace, security and stability in the region. We urge the parties to take the required steps to ensure the cessation of hostilities, to restore calm and to adopt measures to re-establish mutual trust. It is only then that an atmosphere conducive to the resumption of negotiations can be created.

The Ministers of the Non-Aligned Movement, meeting in September in New York during the Millennium Assembly, reaffirmed their determination to actively strive towards the achievement of a just and comprehensive peace on the basis of Security Council resolutions 242 (1967) and 338 (1973).

In a statement issued in Pretoria yesterday, the South African Government strongly condemned the attack on the Israeli civilian bus two days ago. We equally strongly condemned the disproportionate and excessive retaliatory attacks by the Israeli security force that followed, disturbingly moving the crisis to a precarious new level. We must ask ourselves the question: How much longer can this collective punishment by an occupying, militarily superior

force — in violation of international humanitarian law — be endured by the Palestinian people? Closures, blockades and restrictions imposed by Israel on the movement of goods, persons and resources have resulted in the economic suffocation of the Palestinian people. The crisis has exacted too much suffering and claimed too many innocent lives.

We firmly believe that the condition of land for peace is essential if meaningful progress in the peace process is to be attained. For a durable, just and comprehensive peace, negotiation towards final status issues has to be in accordance with the relevant United Nations resolutions and international legitimacy.

The President: I should like to inform the Council that I have received letters from the representatives of Cuba, Egypt and Jordan, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Rodríguez Parrilla (Cuba), Mr. Aboulgheit (Egypt) and Mr. Al-Hussein (Jordan) took the seats reserved for them at the side of the Council Chamber.

The President: The next speaker inscribed on my list is the representative of Egypt. I invite him to take seat at the Council table and to make his statement.

Mr. Aboulgheit (Egypt) (*spoke in Arabic*): Two days ago, on 20 November, Egypt recalled its Ambassador from Tel Aviv following the unacceptable, unprecedented and unjustified intensification of systematic Israeli bombings of Palestinian government buildings and installations in the Gaza Strip. Egypt did so in the hope of sending a clear and categorical message to Israel that Egypt, which initiated the peace process in the Middle East, cannot remain silent and passive in the face of this excessive, intensive and arrogant use of military force against the Palestinian people, its institutions and its property.

A few weeks ago, we warned the Council and the General Assembly of the fact that the deterioration of the situation between the Palestinians and Israelis and Israel's intensive and inexcusable use of deadly retaliatory military force and violence could only lead to more violence. Indeed, the cycle of violence is a vicious circle. The Palestinian people feels frustration, outrage and a sense of injustice under military occupation.

Egypt calls on Israel to fully respect the agreements undertaken at the Sharm el-Sheikh summit with regard to the withdrawal of its heavy weapons from all Palestinian regions and from areas where they are prohibited under bilateral arrangements. Egypt believes that such a step is a fundamental measure for bringing peace to the situation.

Any incident in which civilians on any side are targeted should be condemned by all parties. Egypt certainly condemns and rejects the targeting of Israeli civilians just as forcefully as it condemns the targeting of Palestinian civilians. It would therefore be useful in this respect to emphasize that one of the most important causes of friction between the two parties, making the situation all the more explosive and tense, is the presence of Israeli settlers on Palestinian territory. These are armed civilians who behave provocatively. We have all seen their conduct and heard their positions on our television sets. They are on Palestinian land. Because of this illicit and illegitimate presence, in violation of the resolutions of the Security Council and the norms of international law, the approximately 1 million Palestinians living in the Gaza Strip occupy only 60 per cent of that territory — as the representative of Palestine pointed out today in the Economic and Social Council — because the other 40 per cent is inhabited by approximately 4,000 Israeli settlers. The Council needs to be aware of these facts.

The situation is so grave that it threatens the stability of the entire region. Israel continues to take measures that inflict collective punishment on the Palestinian people, thus running counter to all international instruments and to all its obligations as an occupying Power under the Fourth Geneva Convention.

Israel is subjecting the Palestinian people to an economic blockade that is stifling it. It closes off Palestinian territory. Israel is hampering the circulation of food and medication, not to mention the fact that it hampers trade. It cuts off electric power from the whole Gaza Strip. This is a situation that the Security Council must address. It must not lose sight of it

because of its grave consequences for Palestinian civilians.

All these acts must come to an end immediately.

We hope that the fact-finding committee will begin its work soon, now that it has been established in consultation with the Secretary-General, under Senator George Mitchell's chairmanship. We hope its work will begin very soon with a clear and specific plan of work so that it can meet the objective for which it was created.

In conclusion, the series of events in the occupied Palestinian territory requires that the Council keep up with the events. Negotiations and consultations are now taking place among members of the Council and with the Secretary-General as well, whose efforts we appreciate. These consultations are aimed at agreeing on the establishment and deployment of a United Nations observer force, which would contribute to ensuring the protection and security of the Palestinian people in the face of these recurring Israeli acts of aggression.

This is precisely the idea that had been advocated by the Arab Summit in its declaration of 22 October last.

Egypt, for its part, calls upon the Council to assume its responsibilities and obligations under the Charter and to adopt the draft resolution that we hope will be introduced by the Non-Aligned Caucus of the Council in the next few days.

I am profoundly concerned and disturbed to hear the representative of Israel say today that his country is not convinced of the usefulness of this observer or protection force.

The President: The next speaker is the representative of Jordan. I invite him to take a seat at the Council table and to make his statement.

Mr. Al Hussein (Jordan) *(spoke in Arabic)*: It gives me great pleasure to begin my statement by congratulating you, Mr. President, on your assumption of the Presidency of the Security Council for this month. I am confident that your wisdom and wide experience and your ability will lead to the desired success of our work. I also wish to express my deep appreciation to your predecessor, Ambassador Martin Andjaba of Namibia, for the skilful way in which he guided the work of the Council during his presidency. I also wish to express my thanks to you, Mr. President, for convening this emergency session at the request of the Arab Group and the Movement of the Non-Aligned.

The convening of this meeting at this time to grapple with the situation in the occupied Palestinian territories is an expression of the keen interest of the Council and of its perception of the gravity of recent events that pose a threat to our area. This is indeed another link in the cycle of violence and bloodshed.

His Majesty, King Abdullah II Bin Al Hussein, warned of such events and of their implications for the peace process. They bear witness to the need in the Middle East for peace and the need on the part of the Palestinian people to rid itself of the yoke of oppression and occupation that has lasted so long.

The Hashemite Kingdom of Jordan strongly condemns the violence perpetrated against the Palestinians in the occupied territories as reflected in the occupation and the oppressive practices on the part of the occupation forces of Israel.

Israel has escalated its acts of aggression and bombarded, by land, sea and air, the Palestinians and Palestinian institutions and civilian installations. There was also an act of aggression against the office of the Jordanian representative in Gaza. This incident is indeed regrettable. Jordan regrets the death of civilians on both sides.

What is taking place in the occupied territories nourishes excesses and provocative acts. Such acts at the hands of forces that reject peace in Israel against the Palestinians could embroil the entire area in more violence and tension and thus undermine the peace process and could return the area to conflict, to violence, hostility and enmity.

The Jordanian Government calls upon Israel immediately to stop all acts of violence, to lift the siege from Palestinian towns, to implement existing agreements and the relevant Security Council resolutions, and to respect the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. It views as necessary the prompt dispatch of a fact-finding mission and the creation and deployment, under United Nations auspices, of an international observer force in the occupied territories.

The King, the Government and the people of Jordan reaffirm their support for the fraternal

Palestinian people in its endeavour to gain its legitimate rights and to establish an independent State of its own on its national territory, with Al-Quds Al-Sharif as its capital.

On behalf of my Government, I convey our heartfelt condolences to the Palestinian leadership and to the fraternal Palestinian people with respect to their martyred brethren.

The President: I thank the representative of Jordan for the kind words he addressed to me and to my predecessor.

The next speaker is the representative of Cuba. I invite him to take a seat at the Council table and to make his statement.

Mr. Rodríguez Parrilla (Cuba) (*spoke in Spanish*): I shall speak first in my capacity as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Dozens of resolutions have been adopted, clearly reflecting the will of the majority. Recent examples include the Council's own resolution 1322 (2000) and General Assembly resolution ES-10/7. The Arab summit held in Egypt on 21 and 22 October 2000 expressed itself on this matter, and on 19 October the Commission on Human Rights adopted its resolutions S-5/1 on the subject.

There was no alternative but to resume the tenth emergency special session of the General Assembly, which adopted its resolution ES-10/7 on 20 October. Inter alia, the Assembly condemned the excessive use of force by the Israeli forces and called upon the members of the Security Council to follow the situation closely, including the implementation of resolution 1322 (2000). Furthermore, the Economic and Social Council voted today to endorse the 9 October decision of the Commission on Human Rights.

The Secretary-General too has played and continues to play a very important role in the search for a solution to the crisis. The Committee on the Exercise of the Inalienable Rights of the Palestinian People hails his efforts and urges that they continue.

Yet the use of force has increased rather than declining. In recent days, Israeli occupation forces have stepped up their activities against the Palestinian population, launching massive air, sea and land attacks. Serious violations of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue.

In earlier Council debates on this item, many delegations spoke of the shocking images seen by all of the murder of the child Mohammed Al-Durra. Since then, many other children and other innocent civilians have died. In the two months of violence that resulted from the provocative visit to Al-Haram Al-Sharif on 28 September, there have been more than 270 deaths and 7,000 casualties, the vast majority of them Palestinians.

Had Israel implemented the many Security Council and General Assembly resolutions on the question of Palestine, we would not now be witnessing the current critical situation in the occupied territories.. At the private meeting of the Security Council held on 10 November, the President of the Palestinian Authority described in detail the deteriorating situation on the ground and clearly set out the reasons why a protection force of observers needed to be deployed immediately.

Israeli practices and policies denying the legitimate needs and aspirations of the Palestinian people will never be compatible with a legitimate peace process based on resolutions 242 (1967) and 338 (1973). There can be no just and lasting peace in the Middle East until the Palestinian people exercise their legitimate right to establish an independent State with its capital in East Jerusalem, until all the occupied Arab territories are returned, and until Israel withdraws from the Gaza Strip, the West Bank and the Syrian Golan, to the lines of 4 June 1967. There will be no lasting peace until provocations in southern Lebanon cease, until Arab prisoners and detainees are released from Israeli jails, and until Israeli settlements are removed in conformity with resolution 465 (1980).

I shall now make a statement in my capacity as representative of the Republic of Cuba.

We hail the President of the Security Council for the month of October, the representative of Namibia, for the effective manner in which he guided the important work of the Council during his presidency.

It is interesting to note how some Council members — so eager to promote the notion of carrying out "humanitarian intervention" with or without Security Council authorization whenever they decide that there is a worrying human rights situation to be remedied — have lost all their enthusiasm in this case

and are manoeuvring to stop the Security Council and the General Assembly from using their powers under the Charter. There could be no better illustration of the interests that so-called humanitarian interventions really serve.

Everybody knows that a different standard applies to Israel. This is a typical case of what happens when the United States, a permanent member of the Security Council and Israel's ally, seeks to further its national interests by making arbitrary use of its powers and prerogatives. Hypocrisy and double standards reign, protected by the obsolete and anti-democratic privilege of the veto.

Cuba supports the position of Council members that are also members of the Non-Aligned Movement and of other members of the Security Council that have been making sincere efforts to ensure that the Council shoulder its responsibilities. Cuba calls upon the Security Council to act without further delay, in a way commensurate with the situation and with its lofty responsibilities. The Council should immediately set up an observer force to protect Palestinian civilians. It should demand that Israel halt its acts of force and implement the many Security Council and General Assembly resolutions on the question of the Middle East.

That is the only path leading to a just and lasting peace.

The President: I call on the representative of Israel, who has asked for the floor.

Mr. Lancry (Israel) (*spoke in French*): The Palestinian Authority has made a choice that no longer leaves any shadow of a doubt. That choice is for violent confrontation, which nourishes and supports the other strategic choice adopted and declared openly by Chairman Arafat during the Islamic conference held at Doha last week. That strategic choice is what he called the intifada of independence.

While Prime Minister Barak committed himself at Camp David to a bold enterprise aimed at ending the conflict with the Palestinians, Chairman Arafat has made a devastating choice, namely, to achieve his political ends through fire and blood. Although on 9 September 1993 — the eve of the signing of the Oslo Accords — the same Chairman Arafat committed himself in a letter to Prime Minister Rabin to renounce terrorism as a means of achieving political objectives, he seems to have quickly returned to the same abject practices he employed in the past that had lastingly disqualified from being Israel's interlocutor.

With calculated and refined ambiguity, an order, instruction, command or allusion from Mr. Arafat invariably lends itself to interpretation on different levels. The double and triple language of Chairman Arafat — one for the international community, another for his people and a third for his entourage — is very difficult to decipher. We should therefore not be surprised to see Mr. Arafat asking, on the one hand, for an international protection force while, on the other, releasing terrorists from his own prisons and pitting them against Israel while stepping away from their actions. Chairman Arafat's absurd dance and convoluted language cannot continue forever to mislead either his peace partners — the Israelis — or the international community, which, at its most inspired and objective, will not be misled indefinitely by his twists and turns or his shadowy actions.

For the first time since the beginning of this crisis, we see from the statements of several members of the Council the semblance of reproach for the various inadmissible and indescribable acts carried out by Palestinians in recent days at Kfar Naum and Hadera. We take good note of that. Whether those statements in disapproval of Palestinian terrorist acts are muted or amplified, we believe that the fact they were made is important because it represents a more just approach towards both sides. In that regard, the statements by the representatives of Argentina and Canada in particular seem to us exemplary in their relevance.

We also take good note of the virtually unanimous appeal for a return to calm and negotiations. I must recall that before Israel put legitimate self-defence measures into place, the Government had been trying to implement its peace policy. As the international community knows full well, Prime Minister Barak adopted a very innovative peace policy at Camp David, one conducive to putting an end to the Palestinian-Israeli conflict. Before the helicopters and the tanks, Mr. Barak had offered an unprecedented peace proposal that would have made the intangible concrete and the previously untouchable tangible. Huge obstacles related to the various issues involved in achieving a definitive solution of the conflict were thus beginning to be lifted at the time Chairman Arafat chose to revert to violence and terrorism.

I want to be clear: through a negotiated solution at Camp David Chairman Arafat could have, through terms agreed upon by both sides to benefit both parties, given rise to the advent of a Palestinian State next to Israel and to the beginning of true reconciliation between the two peoples. That solution was conditioned on the fact that it was to be achieved through a bilateral Israeli-Palestinian agreement, and that solution is not very far from our reach. In large part, although not entirely, that solution is up to Chairman Arafat and his willingness to respect the same commitments that made him a partner to the dialogue with Israel.

But it was not we Israelis who froze that peace. However, we can reach that peace only with a partner who is committed to becoming part of the history of coexistence, and not that of recoiling in rejection and negation of the other. Israel has made the choice for peace and has signed agreements with Egypt and Jordan.

Moreover, the Interim Agreements that followed the Oslo Accords resulted in various achievements through which 98 per cent of Palestinians in Gaza and the main cities and hundreds of villages of the West Bank now live under the control of the Palestinian Authority, rather than under occupation. The choice of territorial compromise, of a definite solution to the Israeli-Palestinian conflict, of coexistence and of reconciliation is a choice that Israel wants to implement as soon as possible. That is the goal towards which we should turn our efforts. If this appeal were to be heard today, we would at least make some progress today.

The President: I call on the Permanent Observer of Palestine, who has asked for the floor.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): The Permanent Observer of Palestine has asked for the floor once again because he wishes to express dismay with regard to the second statement made by the representative of Israel. During our debates at the United Nations — including those in the Security Council — we have always tried to avoid mentioning persons and personal matters while discussing issues. I would hope that we could be as objective as possible.

The Israeli party chooses again to attack the Palestinian leader, who is the elected President of the Palestinian people. I do not exactly know what objective can be achieved by doing that, except to fire more deadly bullets into the peace process or the hope for peace. What is wrong with the leader of the Palestinian people calling for independence? What is wrong with the intifada and independence? That may have been wrong for Israel, but fortunately not for the international community. The intifada that lasted seven years was a non-violent communal expression of the Palestinian people, and its rejection of the occupation and its insistence on the right to self-determination and to establish its own State.

Defenceless civilian Palestinians have paid a high price for the intifada, of which we are proud. We are proud of our people. We are proud of our sacrifices. There is nothing wrong with that. This collective and principled position of our people is correct.

The representative of Israel wishes to continue talking about persons. Perhaps it behooves us to recall the record of Mr. Ehud Barak, the Israeli Prime Minister; that man, who allowed the ill-fated visit of Ariel Sharon on 28 September 2000; the man who conspired with Ariel Sharon to permit this visit although he knew its implications beforehand; the man who follows the doctrine "timeout from the peace process" and who has a declared position to end the peace process, even for a short time; the general who has "a pin-point strike doctrine", as if the Palestinian people were mere objects and targets against whom he can practise his advanced military theories; the Prime Minister who did not observe one promise with the other negotiating party; the person who did not implement any of the agreements concluded.

Mr. Barak did not withdraw one centimetre from the Palestinian territories, except the ones that Mr. Netanyahu had agreed to withdraw from. Mr. Barak stopped the peace process with the Wye River process. He did not advance even one centimetre in implementing the agreements between the two parties. Finally, he is the man who leads us now to the brink of catastrophe. Ask Israeli commentators and Israeli political forces about what is being said of his great leadership.

We do not object to what has been stated today about the events in Israel. We have always stated our rejection of all acts committed against Israeli civilians. We have condemned terrorist acts in all their aspects, including State terrorism and terrorism caused by the occupation itself. To a great extent we do not oppose what has been said about the bus incident in Gaza

because children are children, regardless of their nationality. No one wishes to inflict harm on any child, but is it not our right to remind you that the children who were injured on the Israeli bus were fewer that the 80 Palestinian children who were killed at the hands of the Israeli occupation? Eighty Palestinian children have been killed by the Israeli occupation forces. Where is the equality here? Where is the fairness?

There are two things we do not accept. The first thing we deem untenable is for anyone to think that the Israeli child is more precious than the Palestinian child. The second matter is that we refuse to absolve the Israeli Government of its direct responsibility for these acts because they bring settlers, including their children, in an illegal manner that contravenes the Security Council and the Fourth Geneva Convention, which prevents the transference of population. They come to occupy a territory. They collect fewer than 5,000 settlers to occupy about 40 per cent of the Gaza Strip. Do you know how big the Gaza Strip is? 360 square kilometres of arid, fallow land devoid of any natural resources, including water. In addition to that, 40 per cent of the other land is under Israeli occupation, where fewer than 5,000 Israeli settlers reside illegally. Is this a natural occupation? No. Is this apartheid? No. This is a unique event, unprecedented in contemporary history, which will later be called the Israeli occupation with all its deep and painful implications resulting from the aforementioned Israeli practices.

They are directly responsible for these events. The occupation is the source of these events. The violation of international law is also the cause of these events. Finally, I hope that people will not only remember the Israelis who died or only the five injured Israeli children. We condemn that. But we do not want people to remember them only and for things to stop there. How about the scores of Palestinian children who were killed in cold blood by snipers, at the hands of the occupation soldiers? You must have read several reports. There were several films on that issue. Their plight is indeed sad.

I did not intend to delve into all these matters, in order to remain at a level becoming of the Council, but the Israeli representative insists on dragging the matter on in this way. This is unfortunate and should end. But the end comes through a change in the mentality of the occupier. Peace requires mutual respect and recognition of the existence and equal rights of the other party. This is what the approach should be, rather than addressing the other party in a condescending manner, as if to say I am the master, I am the occupier, while the other party must understand that the Security Council will be of no avail to it and international law will be useless and that crying and pain will also be useless. But he has to defer to the master because the master is the one who will grant him something that he should accept. But this is untenable. The beginning of change starts with a change in mentality, by recognizing that there is an occupation and by accepting the other as an equal as well as by accepting his dignity.

In conclusion, we wish to thank all the members of the Security Council and all those others who spoke in the Council. I wish in particular to express our appreciation for the statement made on behalf of the European Union. We agree with that statement. We are ready to work with the members of the European Union and other members, as well as with all the parties concerned that are ready to make efforts to resolve the situation and to reach peace in the Middle East region.

The President: There are no further speakers on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.10 p.m.

United Nations S/PV.4232

Security Council

Fifty-fifth year

Provisional

4232nd meeting

Wednesday, 22 November 2000, 7.15 p.m.

New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mr. Listre
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Angell
	China	Mr. Chen Xu
	France	Mr. Teixeira da Silva
	Jamaica	Miss Durrant
	Malaysia	Mr. Misran
	Mali	Mr. Kassé
	Namibia	Mrs. Ashipala-Musavyi
	Russian Federation	Mr. Gatilov
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Mr. Stoffer

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

This record contains the text of speeches delivered in English and of the interpretation of

The meeting was called to order at 7.15 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

The President: I should like to inform the Council that I have received a letter from the representative of the Federal Republic of Yugoslavia, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mladenović (Yugoslavia) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council expresses its shock at, and strongly condemns, the criminal attacks perpetrated on the home of the Head of the liaison committee of the Federal Republic of Yugoslavia in Pristina on 22 November 2000, as well as on Serbian policemen in the south of Serbia on 21 November 2000, both of which resulted in several deaths and injuries.

"The Council calls for an immediate and full investigation to bring the perpetrators to justice.

"Fully aware of all the measures already taken to provide security for all inhabitants of that region, the Council calls on KFOR and UNMIK to continue to make all necessary efforts, including along the ground safety zone, to prevent further attacks.

"The Council demands that all those concerned refrain from any act of violence, in particular against ethnic minorities, and cooperate with KFOR and UNMIK.

"The Council will continue to follow the matter closely."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2000/35.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.20 p.m.

United Nations S/PV.4233

Security Council

Distr.: General
27 November 2000

Original: English

Official communiqué of the 4233rd meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters, New York, on Monday, 27 November 2000, at 3.30 p.m.

At its 4233rd meeting, held in private on 27 November 2000, the Security Council considered the item entitled "The situation in the Middle East, including the Palestinian Question".

In accordance with the understanding reached in the Council's prior consultations, the Security Council met with the Ministerial Committee of the Organization of the Islamic Conference.

The members of the Council and the Ministerial Committee had a constructive discussion.

United Nations S/PV.4234

Security Council

Distr.: General
27 November 2000

Original: English

Official communiqué of the 4234th meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters, New York, on Monday, 27 November 2000, at 5.45 p.m.

At its 4234th meeting, held in private on 27 November 2000, the Security Council considered the item entitled "The situation in the Middle East, including the Palestinian Question".

In accordance with the understanding reached in the Council's prior consultations, the President extended an invitation to the representative of Israel in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

The members of the Council and the representative of Israel had a constructive discussion.

United Nations S/PV.4235

Security Council

Fifty-fifth year

Provisional

4235th meeting

Monday, 27 November 2000, 6.05 p.m.
New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mr. Cappagli
	Bangladesh	Mr. Amin
	Canada	Mr. Heinbecker
	China	Mr. Chen Xu
	France	Mr. Teixeira da Silva
	Jamaica	Mr. Ward
	Malaysia	Mr. Mohammad Kamal
	Mali	Mr. Kasse
	Namibia	Mr. Theron
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kuchynski
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Ms. Soderberg

Agenda

Adoption of the agenda.

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2000/1103)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 6.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2000/1103)

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Disengagement Observer Force, document S/2000/1103.

Members of the Council also have before them document S/2000/1124, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/2000/1124) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bangladesh, Canada, China, France, Jamaica, Malaysia, Mali, Namibia, Netherlands, Russian Federation, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1328 (2000).

In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council:

> "As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/2000/1103) states, in paragraph 11: 'Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached.' That statement of the Secretary-General reflects the view of the Security Council."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2000/36.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.10 p.m.